



**Friends of
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Cymru**

**Cyfeillion
y Ddaear
Cymru**

Sustaining spin

**An assessment of the
mainstreaming of sustainable
development by the Welsh Assembly
Government and local authorities in Wales**

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**On behalf of
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1. Executive summary

This report examines the mainstreaming of sustainable development (SD) by the Welsh Assembly Government, the Welsh Local Government Association and Welsh Local Authorities in view of the Assembly's duty to promote SD. It is intended as both a contribution to the Assembly's consultation on its first four- year term of implementing the duty and a means of creating greater awareness and understanding of the issue amongst the general public and campaigning groups.

It begins by presenting an overview of how the Assembly interprets this duty and the means by which it delivers it. For the layperson, this can be quite mystifying because of the difficulty of interpreting the concept of SD, understanding the relevant Assembly processes and obtaining the correct information. The Assembly's web site is not always the easiest to navigate.

The report then summarises four assessments that have recently been made of the Assembly's performance in this area. These acknowledge the efforts made to promote this novel concept and to integrate it into the Assembly's activities but identify numerous difficulties and failings. Perhaps the most significant of these is the recognition that SD policy has not yet delivered change on the ground. An important reason for this has been the failure of local authorities and the Assembly Sponsored Public Bodies to adequately integrate SD into their operations.

The Assembly's commitment to promote SD, as outlined in Section 121 of the Government of Wales Act, and its efforts to achieve this by means of the SD Scheme and Action Plan have been widely commended. Good progress has been made in raising awareness of the issue within the Assembly and some other organisations across Wales. It has been praised for the way it has mainstreamed SD into its policies and for the high level of ministerial commitment. It has taken a lead role in adopting the ecological footprint as one of its SD indicators, in establishing a Cabinet Sub-Committee on SD and in engaging in international cooperation in promoting SD.

In assessing progress during the first four-year term of the Scheme, however, this report finds that, despite these efforts, there remains a poor understanding of what SD means and the actions of individuals and organisations have changed little as a result of the Assembly's remit. The case studies featured in this report portray a shameful picture of the failure of local authorities and the Welsh Assembly Government to incorporate the principles of SD in the planning process.

A priority ought to be given to improving the understanding of what is often regarded as an obscure concept by offering a clearer definition of sustainable development supported by practical illustrations of sustainable activities. This needs to be proactively communicated to the Assembly's partners and to the general public. A measure of progress that takes account of social, environmental and economic factors, such as the Index of Sustainable Economic Welfare, should replace the economically focussed GDP.

One of the biggest obstacles to accepting sustainable development is its association with environmental issues and the suspicion that protecting the environment can harm the economy and jobs. Evidence indicates that this is a misconception and that, in fact, the opposite is the case. This report recommends that the Assembly commissions a report to investigate the relationship between good environmental practices and job creation.

Planning is central to the delivery of SD in Wales and this is recognised in the Assembly's planning policies. Little progress appears to have been made, though, in implementing planning policies that are compatible with SD and the case studies in this report should make embarrassing reading for anyone who thinks otherwise. Issues of concern are, for instance, the conflict of interest facing a local authority that is able to raise significant revenue from developments on their holdings and the conflict between the Assembly's role as an agent for change and as the ultimate planning authority in Wales. Criticism has also been made of the close relationship between the Welsh Assembly Government, the Welsh Local Government Association and local authorities, with the latter two being judged to have excessive influence and being reluctant to accept SD.

The seven cases which this report examines demonstrate that these concerns are justified. They provide graphic detail of the poor understanding of, if not a contempt for, SD that exists at the local authority level, with planning policies, environmental priorities and local opinion often coming a poor second to financial considerations. The Assembly government's rejection of reasonable requests to call in planning applications that are clearly in breach of planning policy and the principles of sustainable development has caused real anger in a number of communities and seriously undermines its SD credentials.

These studies illustrate the conclusions made by other assessments of the Assembly's SD performance that local authorities have shown little interest or understanding of the issue, that sustainable development policies have not been fed down into practices in the Assembly or other organisations, that there is little evidence that change is happening on the ground, that the 'crunch' issues are not being adequately identified or addressed, that the Assembly government has been reluctant to intervene at local authority level and that it needs to be more proactive in the bodies that it funds. This report supports many of their recommendations, such as that funding to local authorities should be made conditional on them improving social and environmental policies and that SD requirements should be built into policy agreements with them.

It is worth noting that the Scottish Executive, which does not have a duty to promote SD, already compels departments to bid for funds against their objectives to promote sustainability and has also announced plans to bring forward a Strategic Environmental Assessment (SEA) Bill that will ensure that all public sector bodies will have to assess the impact of their decisions on the environment. The Bill will go beyond the requirements of the EU's SEA Directive.

A significant recommendation of this report is for the Welsh Assembly Government to introduce 'third party' rights of appeal in controversial planning applications in order to assist communities obtain a fairer and more sustainable outcome and to improve the quality and legitimacy of planning decisions. This would be a crucial tool in helping to prevent the environmentally and socially harmful practices that have been identified in the case studies. It also recommends that the requirements of the Strategic Environmental Assessment Directive, including health impact assessments, should be introduced at the earliest opportunity for all significant development proposals.

Overall, the Welsh Assembly, while making a good start in some respects, has made limited progress in implementing its SD duty. During its second term, it will face the significant challenge of moving from SD policies to delivery. In order to achieve this, much stronger leadership will be required from the Assembly Government, particularly in the area of planning. The calling in of the Bluestone project, in view of its conflicts with planning policy, would provide the Assembly Government with an early opportunity to demonstrate that it is, during its second term, prepared to take a stronger lead to convert policy into action. The failure to pass

this litmus test of its commitment to SD would provide yet another indication that it is not up to the job, that its commitment is little more than packaging a spin.

There also has to be, in the future, a much better appreciation of the value of the natural environment. The case studies show repeatedly that that the environmental leg of the three-legged SD stool is the first to be kicked off. This seems a foolish way to behave towards, what is after all, our life support system, which, at the present time, is under greater threat than ever before as a result of the impacts of human activity.

2. Introduction

This report, which has been commissioned by Friends of the Earth Cymru, examines the mainstreaming of sustainable development (SD) by the Welsh Assembly Government, the Welsh Local Government Association and Welsh Local Authorities in view of the Assembly's duty to promote SD. The degree to which this has been achieved is assessed primarily by looking at a number of case studies involving planning applications in various parts of Wales.

The report is being produced in response to the Welsh Assembly Government's consultation paper, 'Starting to live differently', on the review of its first SD Scheme, which is taking place between October 2003 and January 2004. A number of other reports have been commissioned as part of this process of assessing the first three years of the Scheme and these will be briefly summarised and referred to in this report. Although primarily intended as a contribution to this consultation process, the report also aims to create a greater awareness and understanding of the issues amongst the general public and particularly amongst campaigning groups.

3. Background

The term sustainable development was first used in 1980 in the World Conservation Strategy but became prominent in the 1987 'Brundtland' report (Our Common Future) to the World Commission on Environment and Development. This defined sustainable development as:

"development which meets the needs of the present without compromising the ability of future generations to meet their own needs"

At the 1992 Earth Summit in Rio De Janeiro, 178 governments acknowledged that patterns of production and consumption had become the major cause of global environmental degradation and could no longer be sustained. This is a valid concern. Since the last ice age ended 11,000 years ago, it has been estimated that there have been around 30 urban societies that have crashed because of a mismatch between human demand and natural supply, in short, unsustainability. The governments committed themselves at the Earth Summit to reforming present patterns of consumption and production in order to make future development sustainable and, in 1994, the UK government published its first national sustainable development strategy. This was based on four key objectives:

- social progress that recognises the needs of everyone
- effective protection of the environment
- maintenance of high and stable levels of economic growth
- prudent use of natural resources.

In Wales, this commitment was taken a stage further when, in 1998, section 121 of the Government of Wales Act bestowed on the Welsh Assembly a legally binding duty to promote sustainable development. Wales thus became one of only three countries (Estonia and Tasmania being the two other) with a commitment to sustainable development enshrined in its constitution.

Section 121 of the Government of Wales Act states that:

Sustainable development	121. - (1) The Assembly shall make a scheme setting out how it proposes, in the exercise of its functions, to promote sustainable development.
	2) The Assembly shall keep the scheme under review and in the year following each ordinary election (after the first) shall consider whether it should be remade or revised.
	(3) The Assembly may not delegate the function of making, or remaking or revising, the scheme.
	(4) The Assembly shall publish the scheme when first made and whenever subsequently remade and, if the scheme is revised without being remade, shall publish either the revisions or the scheme as revised (as it considers appropriate).
	(5) The Assembly shall consult such persons or bodies as it considers appropriate before making, remaking or revising the scheme.
	(6) After each financial year the Assembly shall publish a report of how its proposals as set out in the scheme were implemented in that financial year.
	(7) In the year following each ordinary election (after the first) the Assembly shall publish a report containing an assessment of how effective its proposals (as set out in the scheme and implemented) have been in promoting sustainable development.

The requirements of Section 121 set the Welsh Assembly on a ground breaking course of attempting to integrate the principles of sustainable development into all of its policies and operations, and of doing so by means of an inclusive process of consultation, collaboration and review. This presented a significant challenge to the new administration as there were virtually no examples of such a commitment to sustainable development at a national level that could be learned from.

The first requirement of Section 121 was for the Assembly “*to make a scheme setting out.... how to promote sustainable development*”. This was presented, in January 2000, as a consultation document (‘A Sustainable Wales - Learning to Live Differently’) by the then First Secretary, Alun Michael, before being laid before the Assembly and unanimously approved on November 16th 2000. In March 2001, an Action Plan detailing how the Scheme would be implemented was produced. A special Sustainable Development Unit (SDU) was established along with a cabinet sub-committee on SD and an Assembly Co-ordinating Group on SD. The Assembly Government has subsequently published three annual progress reports on the implementation of the Scheme and the Action Plan.

Section 1 of the SD Scheme states that it will provide “*the over-arching framework for all of the Assembly’s work*” and that “*the principles of sustainable development must be mainstreamed into the way the Assembly operates*”. The Action Plan “*will be delivered through www.betterwales.com - the Assembly’s Strategic Plan*”.

Evidence of this commitment to SD can be found throughout the Assembly’s policy statements. In the foreword to The Transport Framework for Wales (2001), for instance, the then Minister

for the Environment, Sue Essex, states that *“a better and sustainable transport system is at the heart of our strategic aims”* and *“the Framework provides the platform to deliver this in accordance with the principles of the Assembly’s Sustainable Development Scheme”*. The Assembly’s First Minister, Rhodri Morgan, states, in the preface to ‘A Winning Wales’ that this is *“the Welsh Assembly Government’s strategy for transforming the economy of Wales while promoting sustainable development”*. The national waste strategy for Wales, ‘Wise about Waste’, *“sets the direction for developing sustainable waste management practices in Wales”* and devotes a whole chapter to Sustainable Resource Management. The Economic Development Committee’s review of energy policy in Wales stresses the need to *“ensure the sustainability of the sources of supply”*. And in the crucial area of planning, the purpose of ‘Planning Policy Wales’ is *“to set the context for sustainable land use planning”* while the Wales Spatial Plan, ‘People, Places, Futures’ presents the Assembly’s *“vision for the sustainable development of Wales”*.

A similar commitment can be found in the policies of the public bodies that work closely with the Assembly. The Welsh Local Government Association (WLGA) has agreed a compact on sustainable development with the Welsh Assembly Government. This states that *“foremost amongst the objectives shared by the Welsh Assembly Government and local government is the promotion and achievement of sustainable development”*. The Welsh Development Agency’s (WDA’s) SD policy statement, ‘Learning to Work Differently’, commits the organisation to work within the SD framework established by the UK government and by the Assembly’s SD Scheme. The Countryside Council for Wales’ (CCW’s) SD Action Plan states, *“sustainable development is at the core of CCW’s work and is at the heart of everything that we do”*. ‘Achieving Our Potential’ the national strategy for the tourism industry in Wales has sustainability as one of its four key themes. The Wales Tourist Board’s (WTB’s) statement, though, that *“no single precise definition of sustainable tourism has been drawn up yet”* (1) reflects considerable confusion as to what the term SD actually means. It can represent a serious attempt at reconciling the conflicts of competing social, economic and environmental interests. Too often, though, it can also appear to be little more than a badge of acceptability, a form of greenwash that attempts to gloss over damaging practices.

4. Sustaining confusion

SD must be one of the most over-used and least understood terms of the age. Although it is regarded as a noble ideal, there is considerable confusion as to what it really means. An indication of this is given in the Assembly’s strategic plan, *A better Wales*, which has adopted sustainable development, tackling social disadvantage and equal opportunities as its three major themes. As social disadvantage and equal opportunities are important aspects of sustainable development, it makes little sense, and certainly adds to the confusion, to have these as three separate cross-cutting themes. It is also likely to further encourage the association of sustainable development with environmental issues.

Evidence of this general confusion has emerged in a number of studies. The Welsh Consumer Council report, ‘Consumption in Wales (2003)’, details the results of interviews with 1,002 people across Wales undertaken to gauge their awareness and understanding of sustainable development. This found that:

“A significant majority of people in Wales claim to be unfamiliar with the term in full. Overall, just over one quarter (26 per cent) claimed to be fairly or very familiar with the term, and nearly three-quarters (73 per cent) said they were relatively or completely unfamiliar with it.

Respondents were even less sure of their ability to describe what sustainable development means, with only 6 per cent saying they would be very confident in doing so.”

The little understanding that existed was found to be amongst the professionals and educators in Wales, with the term having very little relevance amongst ordinary people and being regarded as a turn-off by the media, businesses and advertisers. The report added:

“Many people are still taking measures in their day-to-day lives to lessen the impact of their lifestyles on the planet, without being aware of the sustainable development debate. Even so, it is undesirable that a gap this size should exist between the language of policy-makers and that of the people.”

The Davidoff report, commissioned by the Assembly Government to assess external perceptions of the SD Scheme, came to a similar conclusion. It found *“that there is persistent confusion in all sectors about the term sustainable development”*. Many felt that it was difficult to disassociate SD from environmentalism. This study is, perhaps, of more concern than the previous one as this sample was representative of the public service, academic, professional, voluntary and business community in Wales. Despite this confusion, almost all those questioned said that they welcomed and supported the Assembly’s SD Scheme.

Meirion Thomas, Director of the Cardiff Business School’s Observatory for a Sustainable Knowledge Based Region (OSKaR), acknowledges, on the sustainable regions website, this lack of understanding and offers an explanation.

“There is a lot of evidence that the public are not really aware of sustainable development as a challenge for Wales, let alone motivated to change their behaviour to support sustainable development. Part of the problem seems to be that the language of sustainable development is itself a barrier to public understanding and action.”

Numerous attempts have been made at defining SD. The most frequently used, and the one used in Section 2 of the SD Scheme, is the Brundtland definition of:

“Development which meets the needs of the present without compromising the ability of future generations to meet their own needs”.

More user-friendly definitions have been attempted.

“Treating the Earth as if we intend to stay”

“Living on the Earth’s income rather than eroding its capital”

“Sustainable development is a very simple idea. It is about ensuring a better quality of life for everyone, now and for generations to come”

The Assembly’s SD Scheme attempts to clarify the Brundtland definition by stating that *“this means that we will take social, economic and environmental issues into account in everything that we do”*. But, have we not been doing this, to varying degrees, for a number of years anyway? Shouldn’t this world leading remit mean something more than this?

All these definitions suffer from being vague generalisations that can mean all things to all people and give little indication of the difficult choices and trade-offs that have to be made between competing economic, social and environmental demands in the policy making

process. Should an area of high unemployment, for instance, approve an industrial activity that would impact adversely on the natural environment and human health but would create jobs in one sector whilst, possibly, jeopardising jobs in tourism?

Yvonne Rydin of the London School of Economics, in her paper, 'In Pursuit of Sustainable Development: Rethinking the Planning System', suggests that *"policy makers and politicians have found it easier and politically more prudent to rely on the inherent ambiguities of the concept rather than risk finding themselves tied to a clear and precise definition"*.

An European Union definition of SD as development where *"economic growth, social cohesion and environmental protection go hand in hand"* (2) indicates that, in the three-legged stool of sustainability, economic, social and environmental issues should not merely, as in the Assembly's SD Scheme, be taken into account, but should have equal status.

Friends of the Earth, in their submission to the Government's consultation document 'Opportunities for change' (1998) develop this theme. It says of the objective to maintain high and stable levels of economic growth, *"this objective still reflects the conventional view that economic growth provides financial wealth which can then be used to help tackle inequality and environmental degradation, rather than the sustainable development view that increased equality and inclusion in society, and better environmental protection will increase people's quality of life directly, and incidentally may generate increased economic wealth"*.

Gross Domestic Product (GDP) thus becomes an inappropriate tool for assessing progress as it focuses on economic growth but does not take into account the environmental and social costs of that growth in terms, for instance, of environmental degradation, the depletion of finite resources, ill health resulting from pollution and social inequality. A rise in GDP does not necessarily result in a directly proportionate rise in, for instance, employment or in better health. Similarly, the cost of dealing with the oil pollution caused by the Sea Empress disaster would have registered as a contribution to GDP rather than as an environmental loss.

Different measures of progress are, therefore, being developed that also take into account social and environmental priorities. One of these, the Index of Sustainable Economic Welfare (ISEW), takes into account the unwanted side-effects of production, such as the costs of pollution control and road traffic accidents; the loss of environmental quality, such as the loss of wildlife habitats and the depletion of non-renewable resources; and social factors such as the value of housework and the inequality of income distribution. It attempts to combine economic, environmental and social factors into one overall measure of welfare and progress. The CCW is currently urging the Assembly Government to adopt such a measure in order to better assess the implementation of its SD duty.

Perhaps one of the best ways of creating a better understanding of a complex issue such as SD is to provide examples of SD in action. Energy conservation measures, for instance, result in economic, social and environmental benefits by improving:

- the economy by reducing fuel bills and fuel poverty, by creating local work for carpenters, heating engineers, double glaziers, builders merchants and so on, and by the spending of this extra money in the local community
- health by reducing hypothermia and fuel poverty related illnesses, by reducing the emission of health harming pollutants and by creating jobs
- the environment by reducing pollution and climate change impacts from the processing, transportation and burning of fossil fuels.

Similarly, agri-environmental schemes, such as Tir Gofal, improve environmental quality, create employment in rural areas and improve the economic viability of family farms, while investment in public transport benefits the more disadvantaged people within society who are unable to afford a car, has a lesser environmental and adverse health impact compared to car and lorry transport and creates more employment (see: 'Less Traffic, More Jobs' by Tim Jenkins and Duncan McLaren of Friends of the Earth).

Whatever methods are used, it is a complicated concept to communicate in a manner that is easily understood.

5. A more sustainable Wales

To its credit, the Welsh Assembly Government has, by means of its SD Scheme and Action Plan, set out a detailed vision and programme that aims to address the difficult challenges of living sustainably.

In Section 3.1 of the SD Scheme, 'Learning to live differently', the Assembly pledges to pursue a vision of a sustainable Wales that is:

- united, confident and creative
- committed to fostering its unique and diverse identity, and the benefits of bilingualism, while looking confidently outwards and welcoming new cultural influences
- prosperous, well-educated, skilled, healthy, environmentally and culturally rich
- served by modern, effective, efficient and accessible public services
- active in its local communities, where the voice of local people is heard
- fairer – a place where everyone is valued and given an opportunity to play a full part
- a place which values its children and where young people want to live, work and enjoy a high quality of life.

According to Section 3.2, this means:

- the environment being cherished and protected so that it remains healthy and biologically diverse, and can continue to support us all
- a self-sustaining economy which respects the environmental and social context of Wales and responds to sustainable development opportunities
- action to make our communities strong and viable, and people healthier
- people being enabled to play a part in taking decisions that affect them
- recognising the needs of all parts of Wales
- Wales contributing to sustainable development at a global level as well as a local one.

This is a commendable, if utopian, vision that gives a flavour of the many interrelated issues that come within the SD remit. It still reads, though, like an 'all things to all men' wish list that is not easily grasped as a concept or a policy tool.

Section 4 of the SD Scheme demonstrates the Assembly's support of the UK Government's SD objectives of social progress, environmental protection, prudent use of natural resources and high and stable levels of economic growth and employment. Key SD principles that underpin this work include:

- taking a **long-term perspective** to safeguard the interests of future generations, whilst at the same time meeting the needs of people today

- preventing pollution as far as possible and **making the polluter pay** for the damage done
- applying the **precautionary principle** that cost-effective measures to prevent possibly serious environmental damage should not be postponed just because of scientific uncertainty about how serious the risk is
- respecting **environmental limits** so that resources are not irrecoverably depleted or the environment irreversibly damaged: this implies, for instance, contributing to protection of the planet's climate; protecting and enhancing biodiversity; minimising harmful emissions; promoting the sustainable use of resources
- taking account of the **full range of costs and benefits** when making plans and decisions, including those which cannot easily be valued in money terms and taking account of timing risks and uncertainties.

These are challenging principles that will inevitably draw out the tensions between competing environmental, social and economic interests. Making, for instance, the polluter pay the full costs of the damage caused would result in a huge increase in the level of fines currently imposed for these offences and would surely lead to howls of protest from the business community and claims that jobs would be lost as a result. It would also, though, focus minds to ensure that companies operated to higher and more efficient standards and, as such, would improve their competitiveness.

Section 5 of the Scheme - 'Fulfilling the duty' - stresses the integration of SD into all of the Assembly's activities. This means, for instance, that "*spending plans must recognise the need for sustainable development objectives to be achieved*" and that "*new ways of working with our partners*" must be developed. Translating the Assembly's vision into action will mean that "*Wales is at the cutting edge in demonstrating good sustainable practices*". In order to comply with SD, all existing and new policies (including procurement policies), programmes and grant schemes would be reviewed over a 5-year period in a 'Green Audit' and appraisal mechanisms and definitions of value for money would be reviewed and refined.

Specific policy actions (Section 5C) would include developing sustainable energy; combating fuel poverty; integrating transport developments to support social inclusion and healthier lifestyles; supporting sustainable agriculture; preserving biodiversity; using EU funding resources, such as Objective 1, to support SD; and grasping growth opportunities in key SD sectors, such as renewable energy, ICT, environmental technology and public transport. Businesses would be encouraged to exploit emerging eco-friendly markets. Policies for reducing and managing waste would be introduced; planning would comply with SD objectives; a healthy food policy for Wales would be introduced; and standards for social housing developments would be reviewed to reduce environmental impact.

These changes could only be delivered by the Assembly working in partnership with the EC, the UK government, local government, other public bodies, the voluntary sector, businesses, experts (such as by establishing the SD Forum), communities and individuals. The role of local government and of the Assembly Sponsored Public Bodies (ASPBs) (3), is important because of their ability to deliver SD policies throughout Wales. The Assembly would "*encourage local government to promote sustainable development*", would "*provide leadership, guidance and best practice*", cooperate on the development of SD indicators and "*agree a SD compact with the WLGA*". By comparison, the Assembly could take a stronger line with public bodies by, not just guiding and encouraging them, but requiring them to promote SD "*through their corporate planning and policy development*".

The Assembly would lead by example by *“developing practical options to ensure that SD is mainstreamed...developing sustainability appraisal tools for staff and a training programme for decision-makers...reviewing green housekeeping policies...and developing a green transport plan for the Assembly estate”*. It would *“set targets in its Action Plan and use them to report progress”* and *“establish, and keep under review, a set of indicators of sustainable development in Wales reflecting social, economic and environmental issues... and use them to gauge progress”*.

Following consultation, a set of twelve headline indicators for Wales was adopted in March 2001 covering employment, education, crime, housing, climate change, air quality, river water quality, wildlife, waste, Welsh language, electricity from renewable sources and ecological footprint. This compares to fifteen headline indicators for the UK, with road traffic, one of the most challenging of indicators to address, being a surprising omission in Wales.

Ecological footprint, an assessment of the amount of productive land and sea that is required to produce the resources we consume and dispose of our waste, was accepted as a benchmark of sustainability that would set Wales' performance in a global context, following a recommendation from WWF Cymru in early 2001. The Welsh Assembly Government is thought to be the first government to use the ecological footprint as an indicator of progress. Results of a WWF Cymru study, published in April 2002, indicate that each person in Wales needs 5.25 hectares to support current lifestyles compared to the global average of only 1.9 hectares. Although the Welsh figure is slightly lower than the British average, it does mean that if everyone on the planet consumes as much as Welsh people do, then we would need almost two extra planets to sustain ourselves.

Finally, the SD Scheme promises to monitor, review, evaluate and report back on progress. This is done by means of an annual report and, in compliance with Section 121 of the Government of Wales Act, by producing, after every election, an effectiveness report on the Scheme -'Learning to Live Differently' - and to then review or remake the Scheme.

The Action Plan spells out how the commitments in the Scheme are to be met, what action is needed, by when and by whom.

6. Assessments of progress

A number of reports have been written to assess the effectiveness of the Assembly's SD Scheme and Action Plan in order to coincide with the National Assembly's review of its SD Scheme. This sort of attention for an issue that commands so little public interest or understanding might seem surprising. It suggests, though, that the Assembly is attempting to improve awareness of SD and to improve its compliance with the SD duty. The following summaries of the main findings of these reports indicate that, on both issues, the Assembly has much work to do.

6.1. “Report on External Perceptions of the First Sustainable Development Scheme of the National Assembly for Wales” – by Ella Davidoff, Policy Officer in the Economic Division of the Welsh Assembly

The Strategic Policy Unit of the National Assembly for Wales commissioned this report in February 2003 and, over the following three months, views were sought of representatives of the public service, academic, professional, voluntary and business community in Wales.

Almost all those consulted welcomed and supported the overall approach of the Scheme and felt that it would continue to be an important and innovative document. There was widespread confusion about the meaning of the term 'sustainable development' with several associating it with 'green' issues. A number argued that the economic aspects of SD need to be made clearer and that, as suggested earlier in this report, the Scheme needs practical examples to demonstrate what SD means. A much better understanding of the meaning and relevance of SD was needed in the Assembly's second term.

Most believed that it was too early to assess the impact of the Scheme while a lesser number considered that it had achieved a great deal in terms of political education. Some pointed to initiatives in policy areas such as waste, procurement, the Wales Woodland Strategy, Tir Gofal and Tir Cymen, the Organic Aid Scheme, Objective 1, Social Inclusion and Biodiversity Action Plan. The significance of the SD Scheme to these initiatives, as opposed to national, European and international requirements, is, however, debatable. And, although there had been positive attempts to take the SD duty seriously, there was general agreement that it has had a limited impact to date. It was felt that a number of current policies, such as energy, transport, economic policy and health, undermine the principles of SD. One respondent was quoted as saying, "*we may have learned to talk and even to think differently, but we haven't yet learned to live differently*".

There was strong feeling that the Assembly should be proactive in directing the agencies that it funds - the ASPBs - to achieve change. This could take the form of incentives, such as a SD action plan for ASPBs, or levers, such as attaching SD requirements to budgets and grants. Similarly, local authorities needed additional encouragement and support.

Creating a greater awareness and a more effective response amongst the business sector is of crucial importance. It was felt that the economic benefits of SD should be highlighted and that, as one consultee stated, "*SD needs to be presented as a realistic business choice. At the moment it is still presented in an academic way, as a science*".

All those consulted now wanted the Assembly to concentrate on delivery and positive policy outcomes. Respondents were looking to the Assembly to play a stronger role by leading by example, promoting best practice, influencing other organisations, engaging in a fuller international role and providing an overall vision of SD in Wales.

6.2. "A Survey of sustainable development activity within local authorities and national park authorities in Wales (November 2002 - March 2003)" by Dr Alan Netherwood

This working paper was produced on behalf of the Centre for Business Relationships, Accountability, Sustainability and Society (BRASS) based at Cardiff University by Dr Alan Netherwood while on secondment from the role of Sustainable Development Coordinator at Cardiff Council.

The aim of the research was to both get a snapshot of how successfully SD was being mainstreamed into local authority and national park activity and to achieve a baseline of information on activities, techniques and processes being used in local authorities to promote the SD agenda.

The report concluded that:

"Welsh Local Authorities (WLAs) are not, on the whole, successfully integrating SD into their strategic and business planning. Less than half authorities have a corporate approach to mainstreaming sustainable development into their work. There is little evidence of sustainable

development being seriously considered within the Wales Improvement Programme or Community Strategies. If the simple question were asked, are WLAs integrating sustainable development into their corporate culture and decision making?, the simple answer would be no."

It finds little evidence of local authorities challenging unsustainable practices or of leadership within local authorities pursuing sustainable development. There were, though, some examples of innovation and good practice, such as sustainable design, sustainable food and SD education, and of an improving dialogue between SD and economic development and health in many WLAs.

The response of WLAs to environmental management is found to be poor with few adopting corporate approaches or accredited environmental management systems. Responses to the crucial issue of climate change is equally poor while energy management is piecemeal and sustainable procurement rare.

Some blame for the poor performance of WLAs is attributed to the confusion caused by inconsistent messages from WAG to WLAs and, similarly, *"the WAG/WLGA Compact on Sustainable Development is not seen as a tool to drive action and dialogue between the two levels of government and needs much work and promotion"*.

The report calls for the WAG and the WLGA to place greater pressure on local authorities to mainstream SD by measures such as Audit Commission scrutiny of local authorities, community strategy guidance, policy agreements, the Wales Improvement Programme, the fostering of a higher political profile for SD among local members and senior managers, and the provision of funding *"rather than lip service"* for the human and financial resources required to bring about the necessary cultural change within the individual organisations.

6.3. 'Living Differently? – An Assessment of the Welsh Assembly's Sustainable Development Scheme' by Andrew Flynn of the Cardiff University Centre for Business Relationships, Accountability, Sustainability and Society on behalf of the World Wildlife Fund (WWF) Cymru

This report finds that, during the first four-year Assembly term, there has been considerable activity on the SD Scheme with signs that the mainstreaming of SD is taking place. The commitment of senior politicians and civil servants to the Scheme is praised and this positive attitude is reflected in some other organisations. There is, though, a sense of frustration that the Assembly has not delivered sufficiently or quickly enough on some of its promises and more needs to be done to mainstream SD across all the Assembly's functions and staff portfolios. The Annual SD Reports illustrate the breadth of the Assembly's activity on SD but should be treated with caution as they are *"a 'political' rather than a self-critical document always keen to indicate achievements rather than challenges"*.

Within the Assembly, opinions as to whether the Scheme has been successful vary. One interviewee asserts that *"there is a strategic buy-in at the highest level to the Assembly agenda"* while another believes that *"the impact of the SD Scheme has been zero. It fulfils the legal duty and that is all"*. Non Governmental Organisations (NGOs) were found to be generally positive about the Assembly's SD achievements but some voiced the worrying concern that other parts of the UK were now becoming more advanced than Wales in their efforts to implement more sustainable practices. Another significant, but not unsurprising, concern is the report's assertion that the business community regards the Assembly's SD agenda as largely an irrelevance.

The lack of commitment of local authorities to SD and the reluctance of some ASPBs to embrace it in their work is seen as a major obstacle, particularly as these organisations have such a key role to play in delivery. Although the Government of Wales Act placed a duty on the Assembly to sustain and promote local government, there was no overall requirement for local government to demonstrate to the Assembly that they are mainstreaming SD. The Assembly's approach in its first term has been *"based on the belief that local government should be able to determine its own priorities"*. The report shows that the SD agenda has had little impact at senior level within local authorities and that inconsistent messages on SD in different policy areas from the Assembly have been unhelpful.

More should also have been done to have mainstreamed SD in the policies of ASPBs. In the Remit Letters, that are sent annually by the Assembly to the ASPBs setting targets and deliverables for the year, a commitment to SD is included in just five of the twelve Letters with the remainder receiving a mere mention of it.

On other issues, the report found that the Assembly's procurement policy, "Wining Our Business", has been ineffective; the Integration Tool has failed to make an impact at senior levels; and the Assembly Government has been slow in using indicators to drive policy in key areas.

Overall, the report assesses that the *"the Sustainable Development Scheme, 'Learning to live differently', and its associated Action Plan do not provide an effective agenda for action for the Assembly and its partners. Leadership is required to move from policies to delivery, from rhetoric to action"*.

The report concludes that funding to local authorities should be made conditional on them improving social and environmental policies in Wales in a similar manner to budget setting in the UK government and the Scottish Executive. In both, departments have to bid for funds against the objectives of government to promote sustainable development, even though they do not have a world leading remit to promote SD! It also recommends that some ASPBs, such as the WDA, that have a poor track record of taking on board environmental issues and whose engagement with sustainability has been patchy should be significantly reformed.

6.4. 'How effectively has the National Assembly for Wales Promoted Sustainable Development?' A report commissioned by the Welsh Assembly Government to comply with Section 121 (7) of the Government of Wales Act 1998 (October 2003) by CAG Consultants

This Assembly commissioned report asks three crucial questions. Has the Assembly:

1. Mainstreamed sustainable development across the organisation
2. Integrated social, economic and environmental issues
3. Addressed key sustainability pressures and crunch issues

It acknowledges that few, if any, public sector organisations in the UK have systematically followed good practice in promoting SD and claims, therefore, that the Assembly is being judged against a very high standard.

Overall, it believes that the Assembly has worked hard to mainstream SD into its policies and has achieved a standard that is rarely matched elsewhere. There has been a high level of ministerial commitment and a sophisticated understanding of SD amongst its officers. The SD Scheme has raised the profile of SD across Wales and has persuaded other organisations to take the issue more seriously. For a new organisation, the report argues, the Assembly has

made an excellent start, and, even though it is not able to introduce primary legislation, it is able to promote SD by other means.

Despite this praise, the report recognises that the Assembly's SD Scheme and Action Plan do have shortcomings and it identifies areas where there is room for improvement.

These are identified as follows:

- Efforts are dispersed rather than being focussed on the key sustainability pressures and crunch issues facing Wales. Crunch issues, such as the tension between economic development and environmental protection and that between the Common Agricultural Policy and the principles of sustainability, are not adequately identified or addressed.
- It is not clear that the policy changes that have been introduced will amount to enough to turn round unsustainable trends. This criticism would certainly apply to areas such as transport, energy policy and climate change.
- SD has not been systematically fed down from policies into the Assembly's practice and the practice of other organisations.
- The Assembly's policies for leading by example need to be implemented more fully.
- There is little evidence that change is happening on the ground.

In addition, the report notes that stakeholders, staff and members agree that it is time to:

- Bring SD to life – to be clear about what it means for Wales and for the Assembly
- Move from policies to delivery – in the next four years the Assembly needs to be able to demonstrate real achievements on the ground.

These two latter points would appear to sum up the main concerns raised in all four reports.

7. Jobs and the environment

One of the biggest challenges that will have to be faced if we are to move "from policy to delivery" will be to reconcile the perceived conflict between sound economic performance and high environmental quality rather than play one off against the other or chose between the two. This is often portrayed as a choice between jobs and the environment and this issue, more than any other, highlights the tensions between economic, social and environmental objectives. It is beloved by the media as it offers a simplistic polarisation of views and it will feature prominently in the case studies that will be considered later in this report.

It is, though, a false argument as substantial numbers of jobs, and wealth, can be created by looking after, rather than abusing, the natural environment. Cutting pollution, reducing waste, conserving energy and otherwise protecting the environment can improve efficiency, cut costs for households and firms and improve business competitiveness while, at the same time, creating jobs. There is a large and rapidly expanding market in environmental goods and services and in the development of clean technologies. Operating to higher environmental standards also reduces the significant financial and health costs of pollution and other forms of environmental damage (4).

Earlier this year the CCW produced a report on 'The green economy' in Wales. This concluded that:

"Work associated with the management, use and appreciation of the natural environment in Wales creates 117,000 full-time jobs. Other spin-off work related to this takes the total number of jobs in Wales that depends on the environment to 169,000 – equivalent to 1 in 6 Welsh jobs."

The economic benefits of this activity are estimated to generate output of goods and services worth £8.8 billion to Wales each year, which corresponds to 9 per cent of Welsh GDP.

Examples of this are:

- Walkers to the Pembrokeshire Coast Path are estimated to generate £14.1 million each year, which supports 567 jobs (5). This is similar to the number of jobs that have been promised by the controversial Bluestone Leisure Park proposal.
- A 1998 survey of the economic impact of visitors to three National Nature Reserves - Dyfi NNR near Aberystwyth, Cors Caron NNR near Tregaron and Coedydd Aber NNR near Bangor – revealed that they spent £7.4 million each year and supported around 400 jobs (6).
- In the first three years of the Tir Gofal agri-environmental scheme, payments of £16.1 million were made to 1220 farmers.

Similar benefits can be found in organic farming. A study (7), for instance, by the SAFE (Sustainable Agriculture, Food and Environment) Alliance concluded that organic farms required a ten per cent higher labour requirement. There is also a rapidly growing demand for organic produce.

Energy conservation in our homes and workplaces is one of the best-known win-win scenarios providing economic, social and environmental benefits. One study, produced by the Energy Saving Trust (8) in Sept 2000, quoted a National Audit Office estimate that 5,000 extra jobs had been created each year by the Home Energy Efficiency Scheme. In addition, this programme has cut fuel use and the associated pollution, reduced heating bills and fuel poverty, and improved health and reduced hypothermia.

Waste reduction and recycling measures are also recognised win-win scenarios. According to the 1999 Waste Watch study, 'Jobs from Waste', 17,000 jobs already existed in the recycling of household waste in the UK but this could increase by 25,000 jobs if a recycling rate of 25 per cent were to be achieved. Sue Essex AM, whilst Assembly Environment Minister, stated that waste and recycling could create an extra 6,000 jobs in resource management processes (collection, sorting and reprocessing) in Wales.

Renewable energy systems, such as wind, solar and hydro power, also perform well in this respect. The Friends of the Earth study, 'Working future: jobs and the environment', quotes research which shows that renewables out perform both fossil fuels and nuclear power in terms of jobs created per unit of electricity generated. A General Workers Union in Denmark report (9) gives the example of over 10,000 jobs being created by the wind industry in Germany during the 1990s. The same report states:

“eco-industries, including renewables, recycling, nature conservation and eco-renovation in urban areas already employ 3.5 million people in the EU”.

In Navarre, a region of Spain that is half the size of Wales, 2,000 people are employed in manufacturing renewable energy equipment. One of the companies involved, EHN, is planning to open a branch in Newport, Gwent.

Transport is a more controversial sector in this debate. Although road building is often put forward as essential for improving job prospects, the Friends of the Earth report, 'Less Traffic: More Jobs', shows that policies to promote public transport, cycling and walking could create a greater numbers of new jobs. These measures would also help to address the environmental

and health problems caused by car and lorry use. One example is the Manchester Light Rail System which is estimated to have created 1,600 construction jobs and 280 operational and maintenance jobs while reducing annual car trips by 2.5 million.

As well as detailing job creation benefits of good environmental practice in specific sectors, numerous reports paint a broader picture of these benefits. The Worldwatch Institute, for instance, has estimated that 14 million jobs have been created globally as a result of tightening environmental regulations (11). A report (12) by a group of leading economists into why economic growth in the north western US states was two to three times the national rate concluded that this was “*primarily due to quality-of-life factors and environmental quality is particularly important*”. The OECD (Organisation for Economic Cooperation and Development), which represents the interests of the leading industrial countries, in its report, ‘Integrating Environment and Economy’ (1996), rejects the notion that environmental policies might be job killers. It states:

“Currently available evidence does not support the thesis that environmental policies in OECD countries are having a net negative effect on total employment. To the contrary, available studies suggest that it is actually positive”.

And, closer to home, the ‘Cardiff Declaration on Environment and Employment’ (1998), signed by the European Trade Union Confederation and the European Environmental Bureau, recognised the positive relationship between employment and the environment and called for further action, such as ecological tax reform, to develop it.

The orimulsion issue in Pembrokeshire is a classic example of how employment can suffer when there is a failure to give due consideration to environmental issues. If the company behind the proposal had agreed to install adequate pollution controls at the outset, the project would almost certainly have gone ahead. As they were unwilling to do so, the job expectations of significant numbers of people in an area of high unemployment came to nothing. The Bluestone Leisure Park proposal in Pembrokeshire, which has aroused huge controversy because of its impact on a National Park, risks going the same way. Had the developer kept out of the National Park the project would have been given the green light some time ago.

The examples above offer a snapshot of the considerable amount of evidence that exists to show the positive relationship between job creation and environmental quality. They help to “*bring SD to life*” and represent progress along the road to a more sustainable future. Nevertheless, significant challenges remain.

8. Planning

The planning system regulates the development and use of land, supposedly, in the public interest. As such, it represents an extremely important remit of local government and has a significant influence on the economic, social and environmental characteristics of a locality.

The Minister for Environment, Planning and Countryside, Carwyn Jones, states, in the introduction to the brochure, ‘Planning: Delivering for Wales’, that, “*at the heart of the planning system is the Assembly Government’s commitment to promoting sustainable development*”. It is rather ominous to read, in this document, praise for the planning system for being “*instrumental in the creation of new habitats and nature reserves like the Gwent Levels Wetlands Reserve, South of Newport.*” The fact that this habitat had to be created to try to compensate for the state sponsored act of vandalism that destroyed the Cardiff Bay SSSI, the

most important wildlife site in Wales' capital city, to create a yuppie lake behind a barrage was not mentioned.

The sustainability theme is expanded in the consultation draft of the Wales Spatial Plan - 'People, Places, Futures' - which is presented as being *"our vision for the sustainable development of Wales"*. And, according to the 'Agreement on Planning Principles between the Welsh Assembly Government, the Welsh Local Government Association and Local Planning Authorities in Wales', *"planning is a key component in delivering sustainable development in Wales"*.

The 1998 Government of Wales Act gave the Welsh Assembly secondary legislative planning powers based on the primary legislation provided by the Town and Country Planning Act of 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, and the Planning (Hazardous Substances) Act 1990. Each has been amended by the Planning and Compensation Act 1991.

Planning guidance in Wales has been provided by Planning Policy Wales (2002), which is supplemented by a series of Technical Advice Notes (TANs) and circulars providing procedural advice. Together, these comprise national planning policy in Wales that should be taken into account by local planning authorities in the preparation of their Unitary Development Plans (UDPs) and in their planning decisions. They do not have formal statutory authority but the courts have accepted that due regard should be given to them as current ministerial planning policy. Clear reasons have to be given if they are ignored.

The 25 Local Authorities in Wales - 22 County Council and 3 National Park Authorities - are designated as local planning authorities and take most planning decisions. Each year they receive around 30,000 applications for determination by local politicians, who are advised by professional planning officers, with around 600 of these decisions being subject to an appeal by applicants who have had planning permission refused. The appeal is made to the Minister for the Environment, Planning and Countryside and overseen by the Planning Inspectorate. The Assembly's Planning Decision Committee, which is made up of four Assembly Members (usually from across political parties), takes around 20 decisions each year on planning applications that are "called-in", and on appeals recovered from the Planning Inspectorate.

An application is generally only "called-in" when it raises planning issues of more than local importance, such as being in conflict with national planning policies, raising novel planning issues, having wide effects beyond their locality, raising issues of national security or affecting sites of scientific, nature conservation, landscape or historic interest. Appeals are recovered from the Planning Inspectorate on similar grounds of controversy, scale or conflict.

Friends of the Earth Cymru have argued strongly, in their report 'Planning justice for Wales', that rights of appeal should be extended, in controversial and environmentally significant cases, to the 'third party', that is, any individual, business or community group which objects to the application. The report states:

"Although democratic accountability remains one of the most important principles in the planning process, experience has shown that the community needs additional safeguards to protect its legitimate interests. Additional safeguards are particularly important in those cases where local authorities have a clear conflict of interest, and in those cases which involve large-scale and complex environmental impacts which challenge the expertise of planning officers."

The primary planning legislation envisaged a two-tier local government system of County and District Councils that provided an external check when a local authority promoted its own planning application for development. Since local government reorganisation, however, concern has been raised by controversial cases in which local authorities have granted planning permission either to themselves or on land in which they have a financial interest.

The constant need for local authorities to raise revenue in order to deliver services gives them an incentive to promote development on their land holdings. As well as income from the sale of land, Section 106 of the Town and Country Planning Act 1990 (which has become known as “Section 106 Agreements – Planning Gain”) also allows them to obtain a financial contribution towards infrastructure provisions arising from development. Unitary Authorities are, therefore, able to obtain revenue from:

- **Capital Income** - from the sale of Unitary Authority assets for development (direct receipt) and from Section 106 ‘Planning Gain’ contributions (indirect receipt)
- **Revenue Income** - from residential housing Council Tax and from a share of Non-Domestic Rates

Mike Jacob, in his report to the Environmental Law Foundation on ‘Local authority corporate governance in Wales with regard to planning’, has estimated, for instance, that the capital income to Torfaen County Borough Council from the proposed 1200 unit housing development at South Sebastopol near Pontypridd would amount to £7m while the recurring revenue income would total £1.2m per annum.

This gives an indication of the considerable revenue that can accrue to Unitary Authorities from development. The financial implications of this process give rise to the suspicion that planning application outcomes depend on planning gain agreements and that it is possible to ‘purchase’ planning permission.

Similarly controversial cases have involved the Assembly or ASPBs. The Friends of the Earth Cymru report, ‘Planning justice for Wales’, says of this:

“It is quite proper that the Assembly, either directly or through ASPBs, should do things which require planning permission. However there will inevitably be times when the role of the Assembly as an agent for change in Wales will conflict, or at least appear to conflict, with its role as the nation’s ultimate planning authority. The decision to call in an application currently resides with the Minister alone. Given the role of the Assembly in encouraging development, doubts are bound to remain over the independence of Assembly Ministers in deciding whether to call in planning applications in the first place.”

The report cites the example of the 1998 Legend Court planning application that was submitted to Newport County Borough Council to build a major theme park on agricultural land near the M4 motorway. Local residents and environmentalists objected on the grounds that it would massively increase road traffic and would lead to the loss of wildlife and amenity in the area. Much debate around the application centred on the viability of the company’s plans for the theme park, with Newport Council turning to the Wales Tourist Board (WTB) for advice. The Board assured the local authority that it had examined the company’s business plan and found it to be sound. On closer examination, however, Friends of the Earth discovered that the WTB had played a key role in advising the company on how it should write its plan. Indeed, the WTB was acting with the express intention of attracting a big theme park to Wales on the basis of a letter of direction it had received from John Redwood, Secretary of State for Wales.

Concern has also been expressed about the close relationship that exists between the NAW and local authorities and the WLGA. Mike Jacob, in his report to the Environmental Law Foundation, states, *“the approach of the National Assembly for Wales to local government is one of working in partnership. This means that the National Assembly is loathe to see itself as a superior level of government. This conflicts with the Welsh public expectations of the NAW as a body they can appeal to when in conflict with their unitary authority”*.

He goes on to claim that:

“Some political giants of local government have emerged in South Wales, notably: Russell Goodway, Leader of Cardiff City Council; Sir Harry Jones, Leader of Newport City Council; and Brian Smith, Leader of Torfaen County Borough Council. The WLGA is dominated by these maverick leaders who effectively control the National Assembly for Wales”.

This concern was voiced by a participant at the Environment Council’s stakeholders’ dialogue meeting, held to consider remediation work at the former landfill site that has been controversially selected as the site for the new John Bright School in Llandudno, who commented, *“who’s running Wales – the Assembly or Labour Council leaders?”*

The Laffin, Taylor and Thomas report, ‘A New Partnership: The National Assembly for Wales and Local Government’, while not asserting that there is this degree of control, does recognise an especially close relationship between the National Assembly and local government. The WLGA is certainly viewed as being more influential than the Local Government Association in London and local authorities, post-devolution, have retained their previous influence. This, apparently, is the result of political bargaining at the time of devolution.

“The reason local government remained untouched by devolution”, the report states, “was less to do with any thought-out blueprint of post-devolution central-local relations than with the immediate and pressing need at the time of devolution to get local government, specifically Labour local government, support for devolution.”

These are all influences that mitigate against a planning system that is supposed to be open, fair and transparent, to inspire public and business confidence, and to have sustainable development at its core.

Some of the case studies that follow illustrate this point

9. Case studies

9.1. Ysgol John Bright School, Llandudno

The go-ahead for the new Ysgol John Bright School was given by the Assembly Local Government Secretary, Peter Law, in December 2001, as part of a PFI (Private Finance Initiative) scheme to build or refurbish ten schools in Wales. Two of the proposed new schools - Ysgol John Bright in Llandudno and Durham Road Primary School in Newport, Gwent - would be built on land that had been contaminated by years of industrial use.

The existing centrally located site of the Ysgol John Bright School was to be sold by the Council to a supermarket chain, Asda, even though the Development Plan did not allow for retail development on the site and despite the fact that the site had been covenanted to the Council for “educational purposes”. The Newport site was to be sold for housing developments.

The proposals led to strong protests from parents and objections from experts. Parents were rightly concerned that the health of their children could be harmed by the industrial contamination on the sites. The proposed new site at Llandudno had been a waste tip, a gas site and an asphalt works and posed a threat from a number of potentially harmful chemicals and the release of methane gas.

A 1997 report of the Child Health workshop of the Agency for Toxic Substances and Disease Registry, an American agency that oversees waste sites, warned that *“environmental toxicants are a persistent and growing cause of preventable illness in children...children’s main occupation is attending school and schools may pose toxic hazards by virtue of location”*. It argues that a precautionary approach ought to be taken.

These concerns were echoed by the North Wales Health Authority’s public health consultant, Dr Richard Roberts, who called for more research into the possible health risks of the Llandudno scheme. He was particularly concerned that the acceptable levels of the toxic chemical, benzene, had been set at rates suitable for adults rather than children. His concerns were shared by microbiologist, Dr Amanda Meikle, who expressed astonishment that the Assembly had not called-in the application on health grounds (13).

They were joined by the new Children’s Commissioner for Wales, Peter Clarke, who, after examining details of the case, stated:

“There is a notable dearth of research data on the possible effects of long-term low-level exposure to children. I am convinced that we simply do not know if there are any risks to the health of our children arising from a decision to place them in schools on the landfill sites in question. While there is even a possibility that there may be such risks, I do not believe that we should move forward in this way.” (14)

Even the cautious statement of the Chief Medical Officer for Wales, Dr Ruth Hall, spoke of the potential risk of the site and of *“uncertainties around the extent of this risk with severe limits on the epidemiological evidence of the impacts of long-term exposures to waste and its by-products, especially on the young who may be most vulnerable”*.

The awareness of the risks associated with landfill sites had increased significantly in recent years as a result of the huge controversy surrounding the Nant-y-Gwyddon tip in the Rhondda. Despite this, the Assembly and the WLGA seemed reluctant to heed these concerns.

The opinion of the Children’s Commissioner, and others who had expressed concern on medical grounds, was quickly rebutted by Cllr Goronwy Parry speaking on behalf of the WLGA. *“Local Authorities”*, he said, *“invest in appropriate testing and scientific advice to weigh up the risks and it would be a pity if the Commissioner’s intervention were to result in raising public concern to the point where unfounded apprehension outweighs proper analysis”* (15). The Director of Friends of the Earth Cymru, Julian Rosser, commented that this response from the WLGA *“beggars belief”*. Yet, as later events were to demonstrate, the Welsh Assembly Government chose to listen to the WLGA on this matter of such concern to parents and their children rather than to the Children’s Commissioner who the Assembly had recently and proudly appointed. The SD Scheme’s vision of Wales being a place *“which values its children”* seems to have been forgotten.

Despite these and other concerns on issues such as access to information, finances and land remediation, Conwy Councillors granted themselves planning permission for the new school in

December 2001. Although protests continued, including opposition from the local Assembly Member, and further evidence was produced to expose inadequacies in the land remediation studies and proposals, the Assembly rejected requests for the proposal to be called-in and approved the plans almost a year later. Gareth Jones, the local Assembly Member, complained that the opinion he requested from Dr Ruth Hall, the Chief Medical Officer, in January 2002 was not released to him until November 1st, the day after the Assembly had approved the plan. The proposal to move the Durham Road primary school in Newport to a former waste tip site at Gleebelands was approved by the Assembly in March 2003.

By backing these projects, the Assembly has failed to apply the precautionary principle, a key test of its commitment to SD; has listened to the WLGA rather than to *“the voice of local people”* (Section 3.1 of the SD Scheme) and the Children’s Commissioner; and has failed to demonstrate that *“young people are treated as valued members of our community”* (Better Wales). The events documented in this case study make a mockery of the statement in the Welsh Assembly Government and Welsh Local Government Association’s compact on sustainable development that foremost amongst their objectives is the promotion and achievement of sustainable development. Others might conclude that financial considerations have been the foremost consideration in this case.

9.2. Rhiw ‘New Road’, Llyn Peninsula

In 2001, part of the coastal road near Rhiw on the Llyn Peninsula had to be closed as a result of damage caused by a landslip. Understandably, there was pressure from the local community to have a road link restored and, over a year later, Gwynedd County Council applied to grant itself planning permission to build approximately 890 meters of new road. This, though, would not follow the existing route but would cut through an important ancient woodland and the garden of a Grade II listed building, Sarn y Plas, that had also been the home of one of Wales’ leading poets, R S Thomas.

Gwynedd County Council planners recommended a deferment in order to obtain more information on the feasibility of re-constructing the existing road. They had numerous concerns about the application. The proposed new route would be within an area that included a designated Area of Outstanding Natural Beauty, Heritage Coast, inalienable National Trust land and Plas yn Rhiw Listed Park, and that was included on the register of National Ancient Natural Woodlands and the national Register of Historic Landscapes, Parks and Gardens. It was also close to a Site of Special Scientific Interest and two listed buildings, Sarn y Plas and Bryn Ffowc. As a result, the planning officers made it clear that the application was contrary to a number of policies in the Dwyfor Local Plan and the Gwynedd Structure Plan and national guidance. As such, it would, if approved by the planning committee, have to be transferred to the National Assembly for it to consider within 21 days whether it should be called in.

Planning Policy Wales (2002) states, in paragraph 5.3.6, that *“National Parks and Areas of Outstanding Natural Beauty (AONBs) are of equal status in terms of landscape and scenic beauty and both must be afforded the highest status of protection from inappropriate developments. In UDP policies and development control decisions National Parks and AONBs must be treated as of equivalent status.”*

In addition, Policy E1 of the Dwyfor Local Plan states, *“In the AONB, conservation of the landscape will be the primary planning consideration. Any proposal that will unacceptably or adversely affect the appearance and character of this landscape will not be approved”*. It adds, in paragraph 8.3.2 of the justification of the policy, that *“the lack of alternative sites might justify an exception”*.

Planning Policy Wales also requires protection of ancient woodlands. Paragraph 5.2.8 states, *“Ancient and semi-natural woodlands are irreplaceable habitats of high biodiversity value which should be protected from development that would result in significant damage”*. Policy E17 of the Dwyfor Local Plan agrees: *“Proposals which involve the felling of ancient and semi-natural woodlands, or other proposals which will have an adverse effect on the character or conservation of such woodlands, will not be approved.”*

The planning officers pointed out that the new road, which would be funded by the Assembly, could make the land between the new and old roads unstable and possibly liable to landslips in the future. It also emerged that consultants used by Gwynedd County Council had recognised that it was feasible to rebuild the existing road by anchoring it into the bedrock.

Opponents of the proposal, who included Gwydion Thomas, the son of R.S. Thomas, the painter M. E. Eldridge and eight environmental organisations (Coed Cadw, RSPB, Butterfly Conservation, CPRW, Ymddiriedolaeth Natur Cymru, The Ramblers, Friends of the Earth Cymru and Plantlife), raised these issues with the County Council and the Assembly in advance of the planning committee meeting.

The cultural importance of the site also became an important issue. R.S.Thomas has been widely acclaimed as one of the greatest English language poets of the twentieth century. He had been strongly influenced by the wildlife of the garden and the ancient woodland. The site had become an area of ecological, conservation, cultural and heritage significance yet would be cut in two by a road. Gwydion Thomas commented: *“There cannot be another nation in the world that would plan to destroy these sites, with their significant Welsh heritage; it would be considered an act of cultural and environmental vandalism”*.

When the planning committee met to consider the application, however, they ignored the advice of the planning officers and the objections of the opponents. As a result, the eight environmental organisations wrote to the Assembly’s Environment Minister, Sue Essex, expressing their shock and surprise at the planning committee’s decision to approve the application without agreeing to hear further information about rebuilding the existing road, and asking for the application to be called in. They argued that a call in would be in line with Planning Policy Wales (paragraph 4.2) in that:

- the decision to permit the development was in conflict with national planning policy (re: ancient woodland)
- the decision could have a wide effect beyond its immediate area, as it is the first test case of paragraph 5.2.8 of Planning Policy Wales (re: ancient woodlands)
- it has already given rise to substantial controversy beyond the immediate area by virtue of the association with RS Thomas

In response, Bob Evans, writing on behalf of Sue Essex, rejected the request for a call in stating:

“The Assembly considers that development proposals are generally best determined locally by planning authorities that know their area, its needs and sensitivities. The Assembly does not interfere with local planning authorities’ jurisdiction unless it is necessary to do so.”

and

“The Assembly is of the view that the impact of the development would not create significant damage and that the proposal would not, therefore, be in conflict with national planning policies.”

This seems to confirm the impression, given earlier by both Michael Jacob and Andrew Flynn, that the Assembly is loath to challenge the traditional power of county councillors or to become a higher level of government. It also suggests that, if the Welsh Assembly Government is unwilling to intervene to ensure compliance with planning policies and to protect an area of wildlife, landscape and cultural importance, when a viable alternative exists at only slightly extra cost, the sustainable development principles that underlie the planning system in Wales are virtually meaningless.

9.3. Island Farm, Bridgend

This proposal for a WRU rugby academy, an estate of 210 houses, a hotel and business park centres on the site of a Second World War prisoner of war camp and surrounding countryside on the Merthyr Mawr side of the A48 near Bridgend. The 125 acres of land, part of which is owned by Bridgend County Borough Council (BCBC), consists mainly of the site of the old POW camp, which is specified for the extension of a technology park, and, to the south, good quality agricultural land. Although almost everybody would support a new WRU rugby academy, the proposal to site it here has aroused considerable controversy and opposition. Over 5,000 people (mainly local residents but also some from all over the world), numerous environmental organisations, the Assembly’s Agriculture Department and Assembly Members from the four political parties have all opposed the plan.

Around the Island Farm area, there are European status sand dunes, a conservation village, an historic parkland and a large area of landscape conservation. The site itself lies in the middle of a large “green wedge” area, the development of which would coalesce the villages of Merthyr Mawr, Ewenny and Laleston, destroy wildlife habitats and lose forever Grades 2 and 3a agricultural land. The old POW camp, because of its biodiversity, has been included by BCBC as a Site of Nature Conservation Importance.

One of the main environmental concerns centres around the presence on the site of a species, the dormouse, which is protected by the Habitats Directive and is also a UK Biodiversity Action Plan Priority Species. As such, it is an offence to kill or disturb, or to damage or destroy the breeding site or resting place of such an animal. New developments, which would contravene the protection afforded by this legislation, require a derogation in the form of a licence that can only be granted in Wales by the Assembly provided certain strict conditions can be met.

Only two people, both landowners, objected to the draft UDP’s designation of this area as “green wedge” during the consultation process between July and September 2000 and Bridgend County Borough Council’s own planners advocated the protection of Island Farm fields from development. At the Council meeting to confirm the draft deposit UDP in March 2001, however, the leader of the Council proposed that the “green wedge” be deleted because the WRU were interested in setting up a rugby academy on the site. According to the Island Farm Action Group (IFAG), the motion had not been placed on the agenda, the planners had not been informed in advance and the Councillors, including the local Councillors for the area, were unaware of the proposal and therefore unable to present information to counter the proposal which was carried by the majority. Subsequently, it was confirmed that the WRU had also been shown a site at Pencoed Agricultural College but rejected it on financial grounds.

The IFAG challenged the removal of the “green wedge” at the UDP public inquiry which was held in April to September 2002.

In January 2002, a planning application for a rugby academy, housing, a hotel and a business park was submitted to BCBC by the WRU and Berigull Ltd. This was done on the morning of the UDP Inspector’s pre Inquiry meeting and it was announced to the meeting by the BCBC barrister. This led to furious comment from members of the public who were at the meeting and led to the Inspector reminding those present that the planning application had to proceed independently of the UDP “inquiry and report” and might well be decided before her recommendations were made public. On that same day, she noted that the developers, Macob, who had a contract to buy the land from Berigull if the planning application were approved, had asked the Inspector to consider the same plan and determine whether the land designation should be altered to accommodate this concept. The ludicrous situation now arose at the inquiry where the planners had to defend the removal of the green wedge but oppose the Macob plan because the land was in the draft UDP as open countryside. The Inspector, in her final report, turned down that plan.

Peter Black, the Assembly Member for South Wales West, responded to this situation with a critical press release (January 11th 2002) in which he accused the applicants of trying to pre-empt the UDP public inquiry by applying for planning permission and asking the Council to make a decision before the hearing took place and the Inspector had reported. He stated that the plan would *“have an unacceptable environmental impact, lead to traffic problems in the area and the coalescence of villages south of Bridgend...it demonstrates quite clearly that there is a need of a green wedge on this site”*.

Before the WRU/Berigull application was heard by BCBC councillors, the developers decided to alter the plan. They resubmitted, in September 2002, an application which showed the Academy on the fields as opposed originally to being on the POW camp. This would now be classified as ‘sport’ despite the fact that the Academy building would be larger than the Bridgend Tesco superstore. The housing development moved from the fields to the POW camp (brownfield land) and the business park was greatly reduced in size to overcome traffic problems. This meant that whatever the Inspector said in her report would be invalid since they had now altered the internal site concept.

The removal of the “green wedge” from the UDP generated 1200 objections at the UDP public inquiry. The planning inspector’s report recommended, in early 2003, that the “green wedge” should remain provided it had not been superseded by the planning application. Planning Policy Wales emphasises the importance of protecting green wedges. Para 2.6.14 states:

“When considering applications for planning permission in Green Belts or green wedges a presumption against inappropriate development will apply. Local planning authorities should attach substantial weight to any harm which a development would have on a Green Belt or a green wedge.”

When the planning committee considered the application, in December 2002, they rejected it by 15 votes to 14. By this time, local AM, Carwyn Jones, had added his voice to the opposition. He insisted that he was not against a rugby academy but stated, *“this part of Bridgend was never intended for housing. The housing is being used to fund the rest of the development”* (BBC News, December 4th 2002). Jeff Jones, the leader of Bridgend Council, claimed that the silent majority would be in favour of the scheme and the WRU stated that they favoured the site because the sale of housing would enable them to overcome financial difficulties (BBC News December 4th 2002).

According to the IFAG, within a few weeks of the application being turned down, *“the council leader expressed his concern that the application had been rejected because of personal antagonism towards himself by certain councillors and proposed the abolition of the current planning committee to be replaced by all members of the Council. Whilst this process was being implemented, the developers re-submitted the application expressing the hope that the new committee would pass the application (at this time the new committee was not yet in place). Subsequently, the new committee did pass the application and re-confirmed it again after the issue of the UDP Inspector’s report despite her recommendation”*.

IFAG and other objectors urged the Assembly to call in the application but this was rejected by Rhodri Morgan. IFAG requested a copy of the advice given to the First Minister and, on receiving this, established that a call in was recommended by the Assembly’s planning department and that Sue Essex, who was planning minister at the time, would have called in the application if it had been passed when first considered in December 2002.

Although the application was approved by a vote of the full council in April, it had to be referred to the Assembly for further consideration because it did not comply with planning policy. It was approved by the Assembly the following month.

Conservative AM, Alun Cairns, stated that the fight to stop the scheme was not yet over. He added: *“More than 5,000 local residents are against it. Building a rugby academy is right, but at the appropriate site”*.

In the opinion of Peter Black AM, the decision was an affront to democracy. He stated in a press release on May 23rd that *“the objections by the Assembly’s Agriculture Department at the loss of grade two agricultural land and the report of the inspector of the Council’s UDP, which effectively ruled that the development was inappropriate, should have been enough to have forced a call-in by the Assembly government. This decision will undermine the authority of the Assembly amongst local people and call into question its willingness to stand up to Labour’s local government barons. It is my view that the First Minister has let down the people of Bridgend and has shown that his government’s commitment to sustainable development is now non-existent”*.

This charge seems to be well justified. We have seen in this case a controversial planning application being forced through by dubious means, and being approved by the First Minister, on land designated as “green wedge” and containing protected species, and against the wishes of over 5,000 local residents, the Assembly’s Agriculture department, cross-party local AMs, a former Planning Minister and a planning inspector. It seems that the First Minister’s love of rugby, which many of us share, along with an unwillingness to stand up to local authority leaders, has a greater influence on his decision making than does WAG’s own planning policy.

9.4. Trowbridge, Cardiff

In May 2002, the City and County of Cardiff Council applied to give itself outline planning permission for residential development, involving 500 dwellings, on 23 hectares of Council owned land at Trowbridge in the Rumney area of Cardiff. The majority of the site (17 hectares) had no specific land use allocation in the adopted local plan while the remaining 6 hectares had been allocated for “business, industry and warehousing”. Despite the installation of basic infrastructure, the land had remained undeveloped and was regarded by the Council as “a wasted asset” with “considerable development potential”. As such, the Council proposed to

allocate the land for residential development in the draft UDP that was due to be published later in the year. The Council had indicated that the UDP should make provision for 25,300 new dwellings in Cardiff up to 2016, with 6,000 on “Greenfield” land. The planning application, which was submitted by the Council’s Chief Development and European Affairs Officer, also contained an Environmental Statement. This is of particular significance because the site is drained by a network of reens which connect to the adjacent Gwent Levels Site of Special Scientific Interest (SSSI). Also, as the site lies below sea level and is a flood risk area, it should, according to Para 13.2 (Flood risk and climate change) of Planning Policy Wales, be avoided as an area for new developments. Planning permission for residential development on the site had been refused in 1995 because of, amongst other reasons, the risk of flooding.

Opposition to the proposal soon emerged from local residents, with the support of their local councillors, AM and MP, and organisations, such as the Federation of Rumney Residents Association (FRRRA), the Cardiff Naturalists Society, Cardiff Friends of the Earth and the RSPB.

In a letter of objection, dated May 25th, the chairman of FRRRA, J.G.Cuffe, listed ten points that included the degradation of the local environment and the SSSI, the “total lack of real consultation with the current residents of Rumney and Trowbridge”, the fact that the area had already lost 75 per cent of its “green space” to development, the council’s “extremely poor record in housing in St Mellons with many existing voids”, social unrest caused by the lack of leisure and social facilities, the poor public transport services in the East of Cardiff and overcrowding in schools. The letter continued, *“once again we find ourselves at loggerheads with this uncaring council who constantly fail to discuss anything with the communities it blindly takes decisions for and leaves us with the social consequences of their actions”*.

In November, the RSPB submitted a detailed six-point objection, summarised as follows:

1. The likely significant adverse impact of the development proposal on the site, through the loss and degradation of habitats which support nationally rare or scarce species, the site itself being considered of at least local nature conservation interest.
2. Deficiencies in the Environmental Impact Assessment (EIA) which mean that the sites may be of greater than local importance. Other deficiencies in the EIA have resulted in its underplaying the nature conservation interest of the site and overplaying the degree to which the proposed mitigation measures may constitute a full mitigation for significant adverse impact.
3. The adverse impact which the development proposal would have on the hydrology of the adjacent Gwent Levels SSSI, a nationally important site for nature conservation
4. The fact that the development site is not allocated for housing development or any other type of development in an adopted development plan.
5. The fact that the development site is a green field site, when the Local Planning Authority (LPA) has not carried out a full brown field survey of the LPA area.
6. The fact that the development proposal is contrary to national planning guidance and to the adopted local plan. The City of Cardiff Local Plan 1996 refers, in Policy 8, to the protection afforded to SSSIs, and numerous paragraphs in Planning Policy Wales 2002 are cited as a material consideration. Para 2.3.2, for instance, states that developments should, wherever possible, avoid greenfield sites.

This objection also points out that the Assembly’s SD strategy, ‘Learning to Live Differently’, states that Wales should be *“environmentally rich and biologically diverse”*.

In a further letter, in July 2003, the RSPB Cymru’s Conservation Officer (Planning), Mike Webb, objected to the Planning Officer’s Report and Recommendations for unfairly representing the

contents of the RSPB's November letter of objection and for refusing to arrange a public meeting to hear the views of local residents. This is considered to be contrary to Para 39 of "Planning: Delivering for Wales" which states, "*we consider consulting with the community to be an essential and integral part of the process*".

The following month, the county councillor for Rumney, Steve Pantak, strongly urged the planning committee to reject the application on the grounds that the area had suffered from over-development and that the few remaining areas of green space should be preserved; the proximity of the SSSI; the expected increase in traffic levels and the unlikelihood of an adequate bus service being provided. Local councillors Robert Derbyshire and Ralph Cook also opposed the application.

Cllr Pantak's concerns were shared by a local AM, Loraine Barrett, and local MP, Alun Michael, who jointly signed a letter to the Chief Executive of the City and County of Cardiff Council stating that the application "*should not be approved as it stands*". The letter also raised concern on a number of other issues. They refer, for instance, to the Council's "*separate responsibilities to secure income from the sale of assets and an adequate supply of housing for the city*" and to the "*perception that the local authority is 'judge and jury' when it is the applicant for planning permission*". In the papers presented to the planning committee it is pointed out that the Council anticipated financial contributions of £1,679,000 from the developer towards the provision of some services, such as transport and education. This would be in addition to the substantial sums derived from the sale of the site and the council tax on the properties. On planning policy, the AM and MP state, "*the draft local UDP is not yet on deposit, and surely that is the document against which this application should be judged*".

Despite these significant objections, and its conflicts with planning policy and SD, the Council's planning committee granted itself outline planning permission at its August 13th 2003 meeting. The Rumney Village News commented in November:

"It seems like the Barons of Cardiff County Council think that every resident who lives in the Eastern end of the City are just serfs to be ignored and exploited of all their assets, be they financial or in land. The Council's Planning Committee have now passed for development the land at Trowbridge that just about everyone in the area has fought to stop them developing. All this is purely under the guise of planning but is really meant to fill the City's coffers with cash."

9.5. Bargoed Bypass

The Bargoed bypass was first conceived in 1977 and was later planned by Glamorgan County Council in 1986. The objectives of the application, by Caerphilly County Borough Council (CCBC), were "*to relieve the congested Bargoed town centre of through traffic; to provide alternative routes for through traffic, cyclists and pedestrians; to enable the enhancement of Bargoed town centre to be implemented; to enable the provision of a new railway station and bus station for the town; and to provide access to the proposed Country Park and the reclaimed colliery site for light industrial uses*" (16). The bypass, though, would be closely linked to the simultaneous creation of a plateau for retail development, principally a supermarket, south-east of Bargoed town centre. This, according to a report by CCBC's Director of Environment (11th March 2003), "*is absolutely crucial for the regeneration of the town*".

It was considered that the two projects - a bypass and a supermarket - had to be developed simultaneously as no supermarket would locate on the plateau without a bypass because of the

site's lack of prominence from the High Street. It would, though, be "the most prominent part of the town centre viewed from the new main road.

This plan was supported by a consultant's report, the Donaldson report, commissioned by the council. Research, a Shopper Attitude Survey (17), indicated that Bargoed rated poorly as a shopping centre for foodstuffs compared to neighbouring towns, prompting the council to claim that this justified their plans for "improvement". Three supportive references are made to the proposal in the council's UDP. And, the main political parties united in support of it, with Caerphilly AM, Jeff Cuthbert, claiming, that the bypass had the full support of people in Bargoed (18).

This claim was not entirely correct as some local residents had expressed their opposition to the bypass and associated supermarket. Barbara Stephens, a newsagent on Hanbury Road, was quoted in the South Wales Echo (July 16th 2001), as saying, "*Although Bargoed needs something doing to it, we don't want a bypass because it will take trade away from us*".

Mr Mathu, owner of The Indian, Bargoed's only restaurant, expressed concern that a bypass would only lessen the amount of traffic on the High Street, a few weeks before his restaurant was, in fact, forced to close down due to lack of traffic on the High Street.

Cath Fenton, who runs the Gigabytes Café that was set up by Churches in Action with European Objective One funding and opened by Rhodri Morgan in April 2002, considers that bypasses only act as a drain on a town and that for large-scale shopping, Tesco at Hengoed is only 2 miles down the road. Her husband John, an Anglican Church lay-preacher, was interviewed on BBC's 'Good Morning Wales' programme opposing the bypass and the thinking behind it.

The strongest opposition locally, though, came from Matt Wootton, a local activist who produced the 10,000 word 'Don't Bypass Bargoed' report and web site www.dontbypassbargoed.org.uk. This quotes the response of Professor John Whitelegg, professor of Transport at York University's Stockholm Institute and professor of Sustainable Development at Liverpool John Moores University:

"I have been looking at road proposals for over 25 years and have looked at literally hundreds of road schemes across the UK. I have never seen anything this poor before. Never. It's a dreadful scheme, a dog's dinner. All I can say is that there must be something very strange going on in that part of the world."

Every prospective road in the UK is given a 'benefit/cost' ratio where the cost of construction is set against the financial and social benefits to be had from it. According to Professor Whitelegg, the benefits of a new road should be at least double its costs if it is to be considered for approval, giving it a ratio of two. The ratio of the Bargoed bypass is between minus 0.009 and plus 0.118. Professor Whitelegg also estimated that the bypass comes out poorly in terms of costs, having a Net Present Value of minus £10.5m to minus £12m.

Another transport specialist, Neil Crumpton of Friends of the Earth Cymru, stated, "*Friends of the Earth Cymru cannot see a clear reason for the proposed £17 million Bargoed road scheme. And even as a member of the Welsh Transport Forum, I do not know why this scheme has been prioritised*".

According to the 'Don't bypass Bargoed' report, one of the most surprising aspects of the planning application is that the bypass will not necessarily achieve a reduction in journey times.

It estimates that a journey via an unimpeded High Street and travelling at 25mph would be slightly quicker than the high-speed by-pass. And while it would remove some traffic from parts of the town centre, the traffic impact assessment shows that traffic flows on the High Street will remain the same or go up by 2007. Overall, the new road would induce significant traffic growth in the area, representing a modal shift towards car dependence in an area where private car ownership is relatively low, and where bus services are subsidised by less than half the Welsh average. This runs counter to the CCBC's first objective in the UDP transport section: *"To improve opportunities for alternatives to the use of the motor car and movement of freight by road"*. The UDP also states: *"To try to solve the growing problems simply by road building is now seen as environmentally unacceptable"* (4.4) and points out that the Government's aim for transport in Wales include *"reducing reliance on the motor car"* and *"encouraging alternative means of travel which have less environmental impact"* (4.6). As no schemes were put forward to consider non-road building measures, the application also clashes with Planning Policy Wales, which states in Para 8.1.5 that local authorities should ensure when planning new infrastructure that *"the full range of possible solutions, including solutions other than road enhancement, is considered"*.

The proposed bypass would cut through the recently created Bargoed Country Park and, as such, would breach both the council's UDP and the Planning Policy Wales policies that relate to maintaining a Green Wedge and Anti-Coalescence between Bargoed and Aberbargoed. The new bypass would allow car travel between these towns in 86 seconds, which is obviously less time than it takes to move around within Bargoed itself. It is also difficult to imagine how building a 60mph road through a Country Park could possibly comply with the UDP's commitment to *"protect the countryside from inappropriate development"* and *"to take into account the nature conservation, landscape and amenity value throughout the county"*. The area is, in fact, designated as land allocated for Park Development, a policy which, according to the UDP, *"promotes the creation and extension of parks, which provide for visual relief and quiet recreation in urban areas. The sympathetic design of new parks will offer the opportunity for the establishment of urban and community wildlife sites."* This is in clear contradiction with a scheme that would increase noise levels by up to 16-fold.

In the last few months, the council has renamed Bargoed Country Park as Parc Coetir Bargoed Woodland Park after the Council in 2002 secured £289,000 in grant aid from the Forestry Commission's Cydcoed grant programme for the upgrading of footpaths, the creation of 11 new gateways into the park, boundary improvements, the planting of 11,000 trees and 22,000 wildflowers and the publication of a new book documenting the whole project: *"Bargoed, A Landscape in Waiting"*. When the council announced the park's new name in the *Caerphilly Campaign* newspaper of 11th December 2003, they chose to illustrate the park's beauty with a picture of the exact spot on the Rhymney river that they are proposing to span with a steel-reinforced concrete bridge carrying the bypass. At the moment the spot is home to otters, and frequented by people fishing.

Although the prime aim of the application is to improve the economy of the area, research indicates that edge-of-town supermarkets harm existing community businesses. The 1998 DETR report, 'The Impact of Large Food Stores on Market Towns and District Centres' found that food shops lost 13 per cent to 50 per cent of their trade when a supermarket opened at the edge of the town centre. There is also evidence that superstores have a negative effect on employment. A report by the National Retail Planning Forum (19), which is funded by large stores such as Sainsbury, Tescos, Marks and Spencer and Boots, concluded that, within a 15km radius of the superstore, total employment in food selling decreased by 5.2 per cent. They calculated that for every average supermarket that opens, a net loss of 276 jobs occurred. The comment by High Street newsagent, Barbara Stephens, that, *"I don't believe the*

bypass would bring investment. On the contrary, I think this plan would kill the town”, seems justified.

Greater economic benefit could accrue to the local community by adopting a sequential approach, as recommended by Planning Policy Wales. Para 10.2.11 urges local authorities to give first preference to town centre locations, which exist in Bargoed, ahead of edge-of-town centres. There are certainly enough empty shops on Bargoed High Street for this to be possible.

An alternative proposal, comprising a new one-way loop for Bargoed town centre, a new car park, a bus station, improved train services, cycle lanes and a new two-lane road behind the High Street shops, that would also enable rear loading for the shops, has been proposed by local opponents of the Council’s proposal with support from Friends of the Earth Cymru. The Assembly, in Planning Policy Wales Para 2.7.1, makes the preference for the re-use of such existing brownfield sites very clear. This alternative proposal would have been more compatible with planning policies and the principles of sustainable development and would have been more likely to re-vitalise the local economy.

Despite the fact that the council’s planning application conflicted with its own and the Assembly’s planning policies, Sue Essex, the Assembly’s Environment minister, committed, in January 2002, £17.4m of Assembly funding for the proposal, and, in June 2003, CCBC granted itself planning permission. The Council has also agreed to seek a PFI agreement to fund the plateau development.

The ‘Don’t bypass Bargoed’ report concludes:

“The combination of the bypass and the retail plateau would magnify each other to create a very negative impact on the stated aims for Bargoed and its surrounding area which would hurt small community shops, increase unemployment, increase vacancy rates, induce traffic and increase car dependency (in an area of below-average car ownership) and social exclusion. It would devastate the economically, social and environmentally valuable Bargoed Country Park”.

This is a 1980s concept that has been dragged into the twenty first century in defiance of contemporary planning policy and the principles of sustainable development.

9.6. South Sebastopol, Pontypool

The proposal to develop housing on a 138 hectare greenfield site, that lies between South Sebastopol, Pontypool and Pontnewydd, Cwmbran, first emerged in the Torfaen Local Plan placed on deposit in 1996. This aroused considerable opposition as the site was regarded as a valued community amenity, used by all social groups, with a density of public footpaths and cycleways and varied wildlife. It provided an informal children’s play area within safe reach of existing housing, as well as grazing for cattle, sheep and horses. Travelling through the site was a section of the Monmouth to Brecon canal that had recently been restored to enable boating, fishing and the return of wildlife.

By contrast, the leader of Torfaen CBC, Brian Smith, was quoted in the Free Press (June 2002) as saying, *“the council made a decision that will ensure our legal obligation to provide for future homes will be met in the best possible way. By adopting this rigorous planning framework we will be able to control the creation of a new village with the potential for a new primary school, community facilities and play areas. One large scale development of this type will satisfy the need for residential development for many years.”.*

In July 1996, the Fight the Plan group (FTPG) was formed by residents on the Five Locks Estate at Pontnewydd in order to protect this “green belt” and to oppose the Torfaen Deposit Local Plan. 1,780 representations were made to the Plan, 707 relating to the proposed South Sebastopol development. A public inquiry was held in 1998, and, in the Spring of 1999, the Inspector’s report, while recognising the concerns of community and special interest groups, found in favour of the site being developed. The report stated that any development would be very sensitive on environmental grounds and that it should be preceded by the preparation of a development brief for the site. Torfaen Borough Council accepted the Inspector’s recommendations and said they would not be prepared to give outline planning permission until the Development Framework Document had been approved by the council. In July 2000, the Torfaen Local Plan (Statutory Development Plan) was adopted by the council. This formally designated the 138 hectares of land at South Sebastopol as a General Development Area constituting the principal housing allocation intended to accommodate 1,200 dwellings, shopping facilities, a primary school, community facilities and some open space. By September, FTPG had obtained 1,427 signatures supporting their unsuccessful request to the Assembly’s Environment Minister, Sue Essex, to call in the Local Plan. FTPG continued to work to protect the South Sebastopol site by participating in the Development Framework Document consultation in collaboration with other special interest and community groups. A number of organisations – FTPG, Torfaen Friends of the Earth, the Gwent Wildlife Trust, Gwent Ramblers, CPRW, Friends of the Earth Cymru and the Griffithstown and Sebastopol Special Projects Group – had combined to form the Alternative Framework Consortium.

In June the following year, two outline planning applications were submitted on behalf of a development consortium, comprised of the WDA, Barratt South Wales and Bryant Homes to build 1200 homes on the site. This proposal would cover almost all of the “green space” between South Sebastopol and Pontnewydd with housing. The Alternative Framework Consortium commissioned 4D Landscape Design to produce an alternative plan that would have allowed for the phased building of houses in four discrete areas while preserving much of the “green space” with wide buffer zones alongside the Monmouth to Brecon canal and wildlife corridors through the site.

The draft Development Framework Document was due to be put out to public consultation during January 2002 but was delayed by the huge controversies that were triggered by this proposed development. By this time, opposition to developing this greenfield site had grown significantly. TFTPG were now working closely with a number of other organisations, such as Friends of the Earth, the Gwent Wildlife Trust and the Ramblers Association, and had produced detailed objections to the proposal.

Of particular concern were the amenity and wildlife aspects of this “green belt” between Pontypool and Cwmbran. Its development would have been, it was felt, in breach of planning guidance that called for the protection of green belts; government policies that stressed the importance of parks, open spaces and recreation areas in an urban context; and the principles of sustainable development. FTPG drafted a letter of opposition that referred to twelve aspects of Planning Policy Wales, on issues such as green belts, conservation, land reclamation, housing, transport and tourism, it considered relevant.

The Gwent Wildlife Trust raised concerns about the threat posed to a number of species on the site, such as crayfish, otters, dormice, glow worms, badgers, water voles and a variety of birds. Three plants rare across Gwent had been recorded on the site and the key habitats included ancient species-rich hedgerows and species-rich dry and marshy grassland. The Trust called for “*this monstrous plan*” to be turned down because it would destroy a very important mosaic

of wildlife habitats and a beautiful greenfield site that acted as a 'green lung' separating Pontypool and Cwmbran while other potential housing sites were available in urban areas or on brownfield sites.

The archaeological value of the site was investigated by Professor David Austin of Lampeter University who concluded that the site was of archaeological significance with *"a rich diversity and a deep history, most of which stood in contrast to its immediate industrial and pre-industrial context. In just a couple of hours, walking a landscape I had never seen before, I encountered a whole landscape of extreme local significance. It is an holistic and seamless entity, an unrepeatable resource, created and still sustained by the actions of ordinary people."*

Infrastructure services (drainage, water, sewerage, water supply and electricity) appeared to be inadequate with both Western Power and Hyder pointing to insufficient capacity, while opponents complained that no up-to-date housing land availability studies were available. The Alternative Framework Consortium considered the local road network to be inadequate and both the traffic impact and air pollution assessments were thought to be underestimates

The Environment Agency wrote a significant letter setting out why they were unable to support the planning application. This referred to the importance of maintaining a green wedge to provide wildlife, aesthetic, recreational, leisure and educational amenities and to prevent the coalescence of the towns of Pontypool and Cwmbran. The letter stated, *"a stock of green wedge must be maintained as it is a positive resource and part of urban sustainability"*. It went on to outline substantial concerns relating to drainage, contaminated land and groundwater issues.

One of the most worrying aspects of the proposed development for local people has been the direct financial interest of Torfaen CBC. Mike Jacob, chairman of FTPG, calculated, with the assistance of a planning consultant, the following income for the council from the 1200 house development:

Capital Income

Sale of ransom strips on the Brecon and Monmouth canal £2 million
Section 106 Planning Gain Agreement estimated income £5 million

Revenue Income

1000 executive homes in Band G £120,001 - £240,000 at Council Tax Rate of £1,091.31 = £1,091,310
200 affordable homes in Band D £51,001 - £66,000 at Council Tax Rate of £654.79 = £130,958

Total recurring income = £1,222,268

This demonstrates the considerable revenue that can accrue to Welsh Unitary Authorities from development. A consequence of this is the pressure on Local Planning Authorities to determine planning applications on financial grounds rather than on material planning considerations, and to pay no more than a cosmetic consideration to sustainable development.

It is worth noting here that executive homes change the social structure of an area and generate significant income without placing an equally significant demand on services. The South Sebastopol site is located near to a good road network with a journey time of just 45 minutes to Bristol.

Despite the considerable opposition to the proposed housing development and its conflict with planning guidance and the principles of sustainable development, Torfaen CBC arranged a meeting for September 8th where they intended to agree the outline planning application thus giving the go-ahead for the building on South Sebastopol to begin. By an ironic twist, they were prevented from doing this by the discovery of the rare white-clawed freshwater crayfish on the site. According to the Gwent Wildlife Trust, Torfaen CBC has an international obligation to protect these.

Since then, Torfaen Friends of the Earth has issued Infracton Proceedings (a complaint to the European Commission) against Torfaen CBC and the National Assembly for Wales with regard to air pollution in Torfaen and the increase that would occur with the building of the South Sebastopol houses. Similarly, the Gwent Wildlife Trust has issued Infracton Proceedings with regard to non-compliance of Environmental Impact Assessment Regulations.

Lynne Neagle, the local AM, raised the issue in the Assembly on December 1st when she stated:

“The development proposal for South Sebastopol in my constituency is a good example of the degradation of an urban green space. It is the last remaining green space between Pontypool and Cwmbran, it is home to important wildlife and it is important to local people yet it is threatened by the development of over 1,000 homes. The planning process should discourage exactly this sort of development.”

Although organisations such as FTPG, the Gwent Wildlife Trust and Torfaen Friends of the Earth will continue to oppose this unsustainable development, nobody should hold their breath that Lyn Neagle’s plea will be listened to. It seems that the ‘Compact between the Welsh Assembly Government and the WLGA on Sustainable Development’ has yet to make any impact at Torfaen CBC and the Assembly’s attempts to influence the WDA, a member of the development consortium, on sustainability issues has changed little.

9.7. Bluestone Leisure Park, Pembrokeshire

This is a proposal for a large self-contained holiday complex on 400 acres of farmland and wooded valley near Narberth in Pembrokeshire. It is in two parts, an area outside the Pembrokeshire Coast National Park boundary and an area within the National Park. The area outside the park, which was granted outline planning permission by Pembrokeshire County Council earlier in 2003, would consist of a “water world” and a “snowdome” together with car parks, access roads, a roundabout on the A4075, administration buildings and a building, called an “energy centre”, housing a combined heat and power plant. This area would be open to the public. The National Park section would consist of a complex consisting of 340 one and two storey timber lodges, imported partially constructed from Estonia, a huge sports facility situated in a 34 foot high building covering 2400 square meters, and a “traditional style” village with additional cottages, apartments, shops, catering facilities and health and beauty facilities. The complex would be capable of housing 2,500 people, which is comparable to the population of the village of Saundersfoot. On a separate site close to Blackpool mill, still within the National Park and adjacent to a Special Area of Conservation and a Site of Special Scientific Interest, there would be a sewage works discharging treated effluent into the uppermost tidal reaches of the River Cleddau. The developer has made it clear, however, that no part of the project would proceed separately.

The project is being presented as a new concept offering high quality all year round breaks, enabling the visitor to feel close to nature. It has been heavily promoted, with the backing of

newspapers, county councillors, representatives of the major political parties, a farming union and business support organisations, mainly because it promises around 600 jobs in an area that has experienced high unemployment and low GDP. Supporters have also argued that it would raise the profile of Pembrokeshire as a quality tourism destination; provide wet weather facilities, thus overcoming current seasonality problems; attract new high spending visitors to the County; create quality further education and training provision for students who currently have to leave the County to 'upskill'; satisfy the Wales Tourist Board need for a holiday village in Wales; and would assist existing Pembrokeshire businesses, activities and farming. The £45 million project received, at the outset, a £16 million support package from 'Team Wales' made up of £10 million from the Welsh Assembly Government, £3 million from the WDA, £1.5 million from the Wales Tourist Board and a £2 million loan stock arranged through Finance Wales.

Some have argued that this promise of Assembly funding for a planning application that had not yet been decided was extremely inappropriate and could, along with the other vociferous backing the application received, have placed unacceptable pressure on the National Park Planning officers to view the application favourably. The Council for National Parks, for instance, commented:

"The political pressure being placed on members of the Park Authority to approve the Bluestone proposal is in danger of preventing a fair and impartial decision. Given the highly politically charged nature of this development proposal, we consider that the Environment Minister has no choice other than act to safeguard the integrity of the planning process by taking the decision out of the hands of the National Park Authority." [Press release 16-10-03]

Opposition to the development within the National Park, though, has grown over recent months and has included, not just conservation bodies such as the National Trust, CPRW, Friends of the Pembrokeshire National Park (FNP), the Council for National Parks and Friends of the Earth, but sectors of the tourist industry in Pembrokeshire, numerous individuals and the Assembly's Department of Agriculture and Rural Affairs. Objectors claim that the application is in conflict with planning policy; the complex should and could be sited entirely outside of the National Park; it would set a precedent for future inappropriate large-scale developments in all National Parks; it would have an unacceptable environmental impact; it presents an over optimistic business case; it could harm existing small-scale tourism operators; and it would cause traffic problems. Some point to the existing economic and job creating value of national park status and to the fact that it is already proving difficult to recruit enough labour for the tourist industry in Pembrokeshire

A letter of objection, written by Graham Tayler and signed jointly by a number of local businesses in the tourist industry, strongly challenges some of the claims made for Bluestone and concludes, *"the concerns outlined in this letter are such that it is believed that the Bluestone Village project will create more economic problems for existing businesses than it does benefits"*. One of their concerns is that *"tourism businesses in Pembrokeshire are unable to recruit the required number of staff, irrespective of the benefits offered; pay, training, accommodation etc. Some hotels in Wales now being solely staffed by migrant workers from new EU countries."* They also point out that, *"wherever CentreParks open a site it reduces business to self-catering properties in the area"*.

The Assembly's Agriculture Department, having disputed the developer's claim about the amount of good quality agricultural land that would be affected, opposed the application as it conflicted with the requirement in Para 2.8.1 of Planning Policy Wales to protect Grade 3a agricultural land as a finite reserve for the future.

The Council for National Parks, with support from the National Trust, CPRW and FPNP, issued a press release (July 31st 2003) in which they *“expressed astonishment that the Planning Minister, Carwyn Jones AM, had not followed the appropriate steps in considering a hugely controversial planning application ..almost half of which is in the Pembrokeshire Coast National Park.”* They argued that a planning application within a National Park that had aroused so much controversy beyond the immediate locality, was in conflict with national planning policies, could have effects beyond the immediate locality and would significantly affect sites of landscape importance should have been called in by the Minister. It seems that the Assembly was trying to argue that the proposal was of sufficient national importance to receive substantial grant aid but of insufficient national importance to justify a call in.

Opponents also pointed to the statutory purposes of the National Parks as stated in Sections 61 and 62 of the Environment Act 1995:

“(a) Conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas specified.

(b) Promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public”

In addition, in pursuing these purposes and statutory requirements the Park Authorities shall *“seek to foster the economic and social well-being of local communities within the Parks”*. In pursuing National Park purposes, *“where there appears that there is a conflict between these purposes, greater weight shall be given to the first”* (Planning Policy Wales – Para 5.3.4).

As the letter of objection from Pembrokeshire Friends of the Earth pointed out, the economic well-being of Exeter is not the remit of the Dartmoor National Park even though they are in the same county. This letter also commented that we are hardly in a position to support the preservation of areas of high environmental quality, such as tropical rainforests, in the poor countries of the world, where economic problems amount to starvation, when we flaunt the preservation of our own areas.

The planning application was due to be considered in September but legal considerations and the need for further information delayed a decision until December. Concerns were also raised about the role of the CCW. Mr Robert Mc Cracken QC, acting for the National Park commented on a document he had received, *“there appears to be an unhealthy close relationship between the CCW and the developers. It is in my experience unprecedented for a statutory body such as the CCW to act as the agent for a developer and perform in this fashion the function of a messenger”* (20). Although CCW refuted the allegation, the ASPB was also criticised by CPRW for appearing to be passing crucial decisions on protection of the SAC/SSSI over to the Environment Agency. CCW, it states, *“should at least have recorded a holding objection to Bluestone”* (21).

The National Park planning officers recommended refusal on the following grounds:

- The National Park is the highest level of designation of landscape quality in Britain, which society requires should be conserved for this and future generations. The resulting national and local policy framework requires that developments of this scale should only be permitted in National Parks in exceptional circumstances. This case had not been successfully made. A development of this sort within the National Park would be inappropriate for a variety of reasons, chief of which is the harm it would cause to the landscape quality and character of the area and its impact on amenity and tranquillity so valued by local people and visitors and which is of itself an economic benefit.

- The proposed development is contrary to the requirements of the Environment Act 1995 (s61), the Dyfed Structure Plan policy TR19, and Local Plan policies GE1 and LA1.
- The major development test set in Planning Policy Wales has not been met in that the case put to argue overriding economic benefits to the area is not sufficient to justify it being located within the National Park. Neither has the submission adequately explored alternative sites in the County as required by Planning Policy Wales.
- The illustrative proposals accompanying the application are contrary to design advice contained in TAN12.
- It would have a detrimental impact on European and nationally protected species.
- It is considered to be contrary to nine policies within the Dyfed Structure Plan and thirteen policies in the Pembrokeshire Coast National Park Local Plan.
- The National Park Authority considers that consent for the proposed development could set a precedent for approval of other similar developments thereby prejudicing proper planning to the detriment of the amenities and character of the area.

Despite these strong planning arguments, along with the concerns about potentially harmful impacts on the environment and on sectors of the local economy, politicians, such as local MPs Nick Ainger and Jackie Lawrence and local Assembly Members, Christine Gwyther and Tamsin Dunwoody-Kneafsey, have lined up to back the application. Jackie Lawrence MP was clearly not deterred from supporting a development that breached the statutory requirements of National Parks by her role as Vice-President of the Council for the National Parks; and the two Assembly Members seemed happy to brush aside Assembly planning guidance and commitments to SD in their rush to embrace a dubious economic promise.

In early December, the Pembrokeshire Coast National Park Authority's planning committee rejected their officer's advice and voted to approve the application. Unsurprisingly, the vote reflected a clear split between the County Council appointees, who are in the majority on the committee, and those appointed by the Welsh Assembly. This raised concerns about the impartiality of the decision as the County Council had already approved part of the development and had pledged a £1 million loan for the scheme.

Edward Holdaway, an Assembly appointee on the Pembrokeshire Coast National Park committee, stated recently, *"I am not convinced the National Assembly knows what sustainability means. We (the National Park Authority) certainly do not"* (22).

The planning application will now be referred, by the Pembrokeshire National Park Authority, to the WAG Environment Minister, Carwyn Jones, because of the conflict with the Authority's own policies. If he fails to call this application in and hold a public inquiry, the Council for the National Parks has stated that it will consider taking legal action because of the serious implications this decision would have for National Parks in the UK. Failure to call in an application that has such worrying implications for the protection of the UK's most valued environmental areas would also mean that the Assembly's world leading commitment to sustainable development is hardly worth the paper it is written on. It would be ironic, if not shameful, that the planning application that would set a precedent for large scale developments within National Parks that are in breach of their basic remit of offering a higher level of environmental and landscape protection, should occur in the Wales, the one country within the UK with a duty to promote SD.

A number of other case studies, such as the planning application to extend a golf course and develop a new clubhouse and facilities near the River Usk candidate Special Area of Conservation at Caerleon, local authority opposition to the proposed Scarweather Sand

offshore windfarm and the A497 'Butlins' bypass in Gwynedd, would have demonstrated a similar pattern of policies in conflict with the principles of sustainable development. They regrettably demonstrate that, too often, the fine principles adopted by the Assembly have made little difference to activities on the ground.

10. Conclusions and Recommendations

The Welsh Assembly has rightly been praised for the bold initiative it has taken in attempting to integrate sustainable development into all its activities and for producing a sustainable development scheme and action plan that have set out a detailed vision and programme of how this can be achieved. The four reports that have assessed the Assembly's performance, and which have been summarised earlier, recognise the considerable efforts that have been made by some Assembly staff and ministers in responding to this challenge. Numerous difficulties, though, have been identified in impeding progress.

The most significant of these has been the problem of understanding what is meant by the term sustainable development. There has been widespread confusion about a concept that has seemed vague and remote from day to day activity. A number of the definitions that have been put forward have contributed to this, including the Brundtland one used by the Assembly and its interpretation of it as merely taking social, economic and environmental issues into account. Further confusion has been caused by the Assembly adopting sustainable development, social disadvantage and equal opportunities as three separate themes in its strategic plan.

Recommendation 1

The Assembly needs to offer a clearer definition of sustainable development that, at least, gives equal status to social, economic and environmental issues. At present there is too much emphasis on “high levels of economic growth” at the expense of social and environmental issues. GDP ought to be replaced as a measure of progress by a measure, such as the Index of Sustainable Economic Welfare, that combines social, economic and environmental factors into one measure of welfare and progress. Illustrating this with practical examples of sustainable activities would help to “bring sustainable development to life”. There is also a need for this better understanding of sustainable development to be proactively conveyed within the Assembly and to all of the Assembly's partners, particularly local authorities, ASPBs and the business community.

One of the biggest obstacles to the acceptance of environmental issues as being of equal importance to economic ones has been the outdated belief that adopting high environmental standards can prevent development and lose jobs. Evidence presented earlier in this report strongly challenged this belief and demonstrated that, to the contrary, the opposite is true. There is still, though, a widespread misconception amongst the public, local authorities, the business community and elsewhere that caring about the environment costs jobs.

Recommendation 2

This study recommends that the Welsh Assembly Government commissions a study that investigates the relationship between good environmental practice and job creation.

It has been noted, in the other reports assessing the Assembly's SD performance, that the business sector has little interest in SD issues. Businesses are often suspicious of or hostile to environmental concerns and many see the Climate Change Levy as yet another tax to pay with

no benefit to them. Although the Carbon Trust is working effectively with a number of companies, many businesses receive little or no help.

Recommendation 3

This study recommends that the Assembly makes a particular effort to make the business community more aware of the importance and the benefits of SD. Increased advice and support needs to be provided for measures such as improving energy efficiency, reducing waste and developing less polluting forms of transport.

The case studies demonstrated the difficulty of opposing planning applications even when they conflicted with planning policies, were opposed by the majority of local people or caused obvious environmental harm. Too often, the economic aspect of planning applications take precedence over social and environmental concerns, and the Assembly refuses to intervene. At present, despite fine statements from the Assembly, SD is having little effect on the planning system in Wales.

Recommendation 4

Third party rights of appeal should be introduced in cases:

- **which have major environmental impacts**
- **where an officer has recommended refusal and elected members overturn this decision**
- **where local authorities have a conflict of interest, such as where they are the applicant, have an interest in a company applying for planning permission, where the local authority owns the land and has an interest in increasing its asset value, and cases where the local authority will benefit from substantial capital payments through planning obligations**
- **where the local authority grants planning permission against its own development plan policy.**

As well as the principled argument about fairness and justice, the introduction of third party rights would help to re-engage communities with controversial planning decisions by demonstrating that they had a real and powerful role to play. The prospect of the detailed testing of decisions would improve their quality and legitimacy. The case studies considered by this report amply demonstrate the need for such a right.

In July this year, the EU's Strategic Environmental Assessment (SEA) Directive becomes operational in the UK. The purpose of the SEA is to ensure that environmental consequences of policies, plans and programmes are identified and assessed during their preparation and before adoption. It is, therefore an essential tool in the delivery of SD and the integration of environmental thinking across all Government policies and operations. It will require a Traffic Impact Assessment and a Health Impact Assessment of all significant development proposals. The Scottish Executive has already announced that it will introduce the SEA soon and will go beyond its requirements by covering all new strategies, programmes and plans in the public sector.

Recommendation 5

This report recommends that the Welsh Assembly Government, as the only government in the UK with a duty to promote SD, will take a lead role in implementing the SEA

Directive. We urge the Assembly Government to, for instance, introduce Health Impact Assessments for all significant developments at the earliest opportunity. Cardiff University has set up a Welsh Health Impact Assessment Unit which would, no doubt, be able to assist the Assembly

The SD Scheme states (section 5.7) that the Assembly will lead by example. This is not happening. The case studies demonstrate that the Assembly is failing to call in planning applications that are clearly in conflict with SD. If this continues, the Assembly's commitment to SD will soon be widely regarded as meaningless. The Assembly response to the Pembrokeshire Coast National Park committee's granting of planning permission, against the advice of its own officers, to the Bluestone Leisure Park application in Pembrokeshire will be a litmus test of the Assembly Government's intentions. And, although it is proud of some of the actions it has taken, such as purchasing green electricity, introducing a green transport scheme for the Assembly's estate, participating in international SD networks, adopting the ecological footprint as an indicator and developing the Integration Tool, these are not the 'crunch' issues that the CAG Consultants report identifies as being necessary to address in order to move from SD policies to delivery.

Recommendation 6

The Assembly must take a stronger lead role on SD issues. A good starting point would be for it to call in planning applications that conflict with the principles of SD even if this means standing up to local authority leaders. The Assembly should, as recommended by the Netherwood report, place greater pressure on local authorities to mainstream SD in community strategy guidance and policy agreements; introduce Audit Commission scrutiny of local authority SD performance; and, along with the WLGA, foster a higher political profile for SD among local members and senior managers within local authorities. This report also supports the recommendations in the WWF/Flynn report that funding to local authorities should be made conditional on them improving social and environmental policies in Wales in a similar manner to budget setting in Scottish Executive and the UK government, and that ASPBs that have a poor track record on taking on board environmental issues, such as the WDA, should be reformed.

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